of both our citizens and our first responders. We are the Nation that built the transcontinental railroad and the first airplanes to take flight. We constructed a massive interstate highway system and introduced the Internet to the world. America has always been built to compete, and if we want to attract the best jobs and businesses to our shores, we have to be that Nation again.

Finally, to make it easier for our businesses and workers to sell their products all over the globe, we are working toward our goal of doubling U.S. exports by 2014. This will take specific efforts to open up markets and promote American goods and services. It also will take maintaining American leadership abroad and ensuring our security at home. This Budget invests in all elements of our national power—including our military—to achieve our goals of winding down the war in Iraq; defeating al Qaeda in Afghanistan and around the world; reducing the threat of nuclear weapons; and preparing our Nation for emerging threats. We also invest resources to provide for our men and women in uniform and to honor the service of our veterans. And we do this all with an eye to cutting waste, finding efficiencies, and focusing resources on what is essential to our security.

Throughout our history, the investments this Budget makes—in education, innovation, and infrastructure—have commanded support from both Democrats and Republicans. It was Abraham Lincoln who launched the transcontinental railroad and opened the National Academy of Sciences; Dwight Eisenhower who helped build our highways; and Republican Members of Congress who worked with Franklin Roosevelt to pass the GI Bill. In our own time, leaders from both sides of the aisle have come together to invest in our infrastructure, create incentives for research and development, and support education reform such as those my Administration has been pursuing. Moreover, when faced with tough, fiscal challenges, our country's leaders have come together to find a way forward to save Social Security in the 1980s and balance the budget in the 1990s.

There are no inherent ideological differences that should prevent Democrats and Republicans from making our economy more competitive with the rest of the world. We are all Americans, and we are all in this race together. So those of us who work in Washington have a choice to make in this coming year: we can focus on what is necessary for each party to win the news cycle or the next election, or we can focus on what is necessary for America to win the future.

I believe we must do what this moment demands, and do what we must to spur job creation and make the United States competitive in the world economy. For as difficult as the times may be, the good news is that we know what the future could look like for the United States. We can see it in the classrooms that are experimenting with groundbreaking reforms and giving children new math and science skills at an early age. We can see it in the wind farms and advanced battery factories that are opening across America. We can see it in the laboratories and research facilities all over this country that are churning out discoveries and turning them into new startups and new jobs.

And when you meet these children and their teachers, these scientists and technicians, and these entrepreneurs and their employees, you come away knowing that despite all we have been through these past 2 years, we will succeed. The idea of America is alive and well. As long as there are people willing to dream, willing to work hard, and willing to look past the disagreements of the moment to focus on the future we share, I have no doubt that this will be remembered as another American century.

BARACK OBAMA.

THE WHITE HOUSE, *February 14, 2011*.

EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. ROGERS of Michigan. Mr. Speaker, pursuant to House Resolution 79, I call up the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the bill is considered read.

The text of the bill is as follows:

H.R. 514

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

SECTION 1. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2011'' and inserting ''December 8, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2011'' and inserting ''December 8, 2011''.

The SPEAKER pro tempore. The bill shall be debated for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan for 10 minutes.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise in support of these three provisions of the Patriot Act. I think it's very important that we extend them for a variety of reasons. The lone wolf provision, roving wiretaps, which have been in place for some time, we're not breaking any new ground here. Roving wiretaps have been used by local law enforcement for years in terms of dealing with drug dealers, organized crime. We're simply allowing those roving wiretaps to be extended to those who may be engaged in terrorist activities. Again, not new ground.

Also, importantly, that roving wiretap provision allows us to follow the person, as opposed to the device. Because of the changing technology, somebody can use a cell phone and pitch it and then pick up another one. So rather than having to run back to the court every time, it's much easier to just simply get the warrant for that individual.

Also, the business records provision is something that is extremely important, something that has often been the subject of a great deal of demagoguery, to be perfectly candid, where we have seen folks talk about this as a library provision. It should be noted that many of the 9/11 terrorists used public library or university library computers to make their plane reservations or to confirm those reservations.

The whole point of the Patriot Act is to allow for sharing of information and intelligence between local law enforcement, as well as our intelligence community. That's the point. We want to take down these terrorist cells and operations before they become operational.

Many folks have said that we should not use our military to deal with terrorist threats, that this should be the function of local law enforcement. But many of those same people then will deny the very tools necessary to local law enforcement to take down these terrorist cells.

That's why it's essential that we take the time today to reauthorize these three expiring provisions of the Patriot Act. It is the right thing to do.

And one other thing I wanted to mention about the lone wolf. These lone wolves are a real threat; and allowing us to continue to go after the lone wolf, even if they may not be part of a terrorist organization—we're usually talking about people who are not U.S. persons here—we need to make sure that our intelligence agencies, law enforcement can go after those lone wolves.

We've seen lone wolves. Even though Major Hassan was a U.S. person, that's

the type of person we are concerned about. And we see more of that.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

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

I would like to rise to address H.R. 514, a bill that would reauthorize three expiring provisions of the Patriot Act until December of this year, just 10 months from now.

Like the administration, I would like to see a 3-year extension of these authorities until 2013, similar to Senate bill 289 currently pending in the Senate. This longer term would give our Nation's intelligence and law enforcement agencies the predictability and certainty they need to keep our country safe in getting the politics out of intelligence.

I believe there's no place for politics when it comes to protecting our country and our very way of life. It must be U.S.A. first. A 3-year extension of these authorities would keep the debate about the Patriot Act out of the heart of the election cycle.

I believe including a sunset in the legislation provides the proper checks and balances necessary to ensure we are doing all we can to protect Americans, while also protecting Americans' constitutional rights.

There will be people in my party who will be on both sides of this issue. Everyone deserves a voice when it comes to national security.

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

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 514.

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

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 2 minutes to a distinguished military veteran, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today in support of H.R. 514, an extension of these provisions.

The most important job of the Federal Government is to protect our country and to protect its people. My most important job in Congress is to ensure that I am giving the law enforcement community, within the bounds of the Constitution, the tools that they need to make sure that we stay secure, to make sure that we stay protected.

□ 1720

That is what I consider the utmost call in Members of Congress and the utmost call in members in the military and the law enforcement community.

You are going to hear throughout this debate and you have already heard from so many people that have used these tools in the practice and in implementation in taking out terrorists and taking out organized crime units.

Let me just say, I'm an Air Force pilot. I have been overseas, and I understand the enemy that we face and the determination that they have to bring what we saw on 9/11, to bring that back to the shores of the United States. I also understand that the only thing standing between another 9/11 and a peaceful country like we have been feeling for about the last 10 years is our law enforcement community and our United States military. That makes it essential to listen to those individuals and understand what we need to ensure that we are bringing down terrorist cells where they exist in the United States, and we are continuing to protect ourselves from infiltration overseas.

On the tragic day on 9/11, Americans were united in our understanding that we must work together as a Nation to defeat those who would destroy our way of life. Now it is essential that, even though we haven't been attacked, that we understand that sometimes in the quiet lies the biggest threat, and we never forget that this threat is very, very real.

So I ask my colleagues to rise and join me. I ask my colleagues to ask themselves, which side do they want to be on? Do they want to be on the side that doesn't necessarily understand and recognize that we are going to continue to be assaulted for generations from a group overseas that wants to destroy and harm our way of life? So I ask for your support.

Mr. RUPPERSBERGER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Intelligence Committee.

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in opposition to H.R. 514, which reauthorizes and extends provisions in the Patriot Act that I strongly disagree with. I opposed the passage of the Patriot Act in 2001 for the very same reasons that I rise today.

As a proud member of the Intelligence Committee, I am confident that we can protect our citizens and do it without treading on their rights.

Among the provisions extended in this bill is section 215, which allows the government to gain access to anyone's private, confidential records, including their medical, financial, library, and bookstore records, without first presenting evidence linking those records to a suspected terrorist or spy. It also fails to allow for court oversight of these secret orders, and prohibits the recipient of such orders from challenging the legality of the order for a year.

I think that the challenge here today is, how do we balance the security of our country with protecting the rights of ordinary citizens? I know that we can do better than we do in this legislation, and so I urge each of my colleagues to vote against H.R. 514. Instead, I think we should pass legislation that grants the intelligence community the tools that it requires while protecting the rights and liberties of all Americans.

Mr. ROGERS of Michigan. I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND), member of the Intelligence Committee.

Mr. WESTMORELAND. I want to thank the chairman, the gentleman from Michigan, for allowing me to speak on the extension of this critical bill to our national security.

Mr. Speaker, the tragedy of September 11 cast a bright light on our woefully out-of-date intelligence laws. While many of our domestic crime-fighting laws have been made to adapt to social changes and new technology, our intelligence laws sit on the bookshelf gathering dust for decades. For that reason, I rise today in support of H.R. 514, which will extend three expiring provisions of the Patriot Act through December 8, 2011.

I know I have heard some complaints about civil liberties, but the provisions in the short-term extension are the same tools that have been used by U.S. officials for investigating child molesters, murderers, drug dealers and other organized crime figures for decades. All this bill does is extend these same tools to intelligence agencies fighting terrorism.

I strongly urge my colleagues to consider that this is a short-term extension to give the Intelligence Committee an opportunity to work on these so that we can get a broad agreement on it. It gives the gentleman from Michigan and the gentleman from Maryland an opportunity to work together, and for all of us to work in a way that will provide the security that all of us want for this Nation and still allow us to have all the personal freedoms that we enjoy.

So I would invite and encourage all my friends to vote ''yes'' for this simple extension until December to give us time to do what this country desperately needs for us to do.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. It is difficult to debate an issue of such importance and have very good friends who are taking an opposite position. But I think that, in this case, we have to look very squarely at the literal reading of the Constitution.

The First and Fourth Amendment literal reading makes it very clear that the Patriot Act is a destructive undermining of constitutional principles. There are extraordinary powers being given by the government, and it contravenes not just principles of the Constitution but our own oath to defend the Constitution.

I want to speak to the provisions that are set for reauthorization here.

Two of the provisions are contained in the Patriot Act, legislation that I opposed when it first came up because I believed that it was over-infringement on basic civil liberties, including freedom of speech.

The first one, section 206, known as the John Doe wiretap, allows the FBI to obtain an order from the FISA, Foreign Intelligence Surveillance Court, to wiretap a target without having to specify the target or their device, and I challenged the constitutionality because I believe this provision severely undermines the Fourth Amendment, which requires warrants to describe the place to be searched and the person or things to be seized. This provision of the Patriot Act requires neither the target nor device to be identified.

The second provision, section 215 of the Patriot Act, known as the business records provision, allows the FBI to order any person or business to turn over any tangible things, as long as it specifies it is for an authorized investigation. Orders executed under section 215 constitute a serious challenge to the Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records or medical records.

The third provision, section 6001, known as the lone wolf surveillance provision, is contained in the Intelligence Reform and Terrorism Prevention Act of 2004 that authorized the government to conduct investigations of non-U.S. individuals not connected with foreign power or terrorist groups, but effectively allows the government to circumvent the standards that are required to obtain electronic surveillance orders from criminal courts.

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

Mr. RUPPERSBERGER. Mr. Speaker, first, it's important that we hear all points of view from my colleagues when it comes to the reauthorization of the expiring Patriot Act provisions.

I think the 3-year extension outlined in S. 289 will take politics out of this debate. I am pleased that this bill contains a sunset provision. It is important that these authorities have sunset dates so that Congress may evaluate the effectiveness of these tools on an ongoing basis.

Only with rigorous oversight can we ensure that the privacy rights of Americans are protected. As ranking member of the Intelligence Committee, I will ensure that the committee conducts effective oversight of these provisions. I hope, in subsequent reauthorizations of the Patriot Act, that Congress continues to use sunset dates which will keep Congress in the business of oversight on these important authorities.

I yield back the balance of my time.

□ 1730

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the way the ranking member has approached this issue. There are people who have differences of opinion, strong, passionate opinions on this. I am shocked and a bit amazed at the misinformation that is in and about the Patriot Act.

If you believe that roving wiretaps through a court order is bad, then we should stop investigating today organized criminals and drug dealers and child pornographers and kidnappers.

If you believe today that going in and trying to get someone's business records to prove that they were at a place, with a subpoena from a grand jury, is a bad idea, then we should stop doing it. Today you can do it. You can go to the library and get someone's records.

As a matter of fact, during the first part of this debate someone talked about how they went in and got all this information on whoever checked out a book on Osama bin Laden and what a horrible thing it was. That wasn't even a FISA warrant. It was a criminal warrant. That happened under the criminal code. That can happen tomorrow. And when this expires at the end of this month, they will still continue to be able to do that. But you will not be able to go to a FISA court and get a roving wiretap or a court order, by the way, to get records that will help in an ongoing terrorism investigation. It really is mind-boggling.

Let me give you what I think is the greatest example, the Times Square bomber. If we would have known early in that particular arrangement, they could have gone and figured out, listen, we need a court order. We go to the FISA court. There are two courts here: a criminal court and a FISA court. We go to the FISA court, because we don't know how big this is; we don't know who all is involved. We don't necessarily want to arrest him; we want to arrest everybody that is involved.

So let's go to the judge and prove to the judge that if we can figure out that he bought materials from a hardware store to build a bomb, that we might be able to prevent this thing in the future. So they go and get a court order. This is hypothetical. They get a court order, which is a pretty high standard in any investigation.

Or the other option is the bomb goes off, it kills hundreds if not thousands of people, and that very same FBI agent takes it with a criminal warrant and gets the very same information after the bomb has gone off. That is what we are talking about. That is the difference.

This notion that somehow you don't have to go to a court to get an order is wrong. Trust me, you are not going to be able to go through somebody's underwear drawer because you want to. It is not going to happen.

If you believe in the process that we have in our criminal courts, to have to go and get an order by a third-party adjudicator, then you should also believe that this is a really good idea to be able to do it in these broad, hard-to-do investigations into terrorism and spying. It is difficult.

Remember the Russian spy ring that was just broken up recently. They had a FISA court order warrant for a very long time because they needed to figure out everything that was going on before they brought this thing to a head.

The same with a terrorism investigation. Think about how global it is now. They planned the attacks in Afghanistan to attack New York and it went through Pakistan and other places, Saudi Arabia, and they had multiple states involved when they brought this plot together. It is big. It is complicated.

To take away, at the end of this month, our ability to get a roving wiretap that, by the way, on the very next day after you stop our ability to go to a FISA court to get one, you can still get one in a criminal case against organized crime or a drug dealer here in the United States, why, why would we do that to ourselves, Mr. Speaker? It makes no sense.

The work that goes into putting these things together for the brief, to go to the court, is significant. I will tell you right now there are very brave Americans who are working cases right now hoping to get their brief done so they can walk into a judge and get an order that might pertain to business records, or it might be a roving wiretap to keep America safe. If it expires, they won't be able to do it. There is no difference. As a matter of fact, the standard in the FISA court is higher.

Mr. Speaker, I would strongly urge this body's support of what we know is working and has kept America safe since its inception.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 20 minutes.

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

Mr. Speaker, since its enactment in 2001, the Patriot Act has been the object of so many false allegations and exaggerations that the myths have overshadowed the truth. It is time to dispel the myths once and for all.

Let's begin with the myth that national security officials do not need these provisions to protect us from terrorist attacks. This is demonstrably untrue. Numerous terrorist attempts in the last 10 years have been thwarted thanks to the intelligence gathering tools provided in the Patriot Act and other national security laws, and if Congress fails to extend these provisions set to expire on February 28, it will be on our shoulders if the intelligence needed to stop the next attack is not collected.

Opponents claim that these expiring provisions of the Patriot Act violate the Fourth Amendment to the Constitution. This, too, is false. Each of the provisions at issue amends the Foreign Intelligence Surveillance Act, or

FISA. Enacted in 1978, FISA sets forth specific intelligence gathering procedures that do comply with constitutional protections and have been consistently upheld by the courts.

Let's also dispel the myth that these provisions grant broad-sweeping, unchecked authority for the government to collect information on innocent Americans. Again, this is absolutely untrue. These types of provisions have been used by domestic law enforcement agencies for years to apprehend typical criminals. Roving wiretaps are nothing new. Domestic law enforcement agencies have had roving authority for criminal investigations since 1986.

Section 215, business records, have more strict requirements than the grand jury subpoenas used in criminal investigations. It makes no sense to let law enforcement officials use a tool to investigate a drug dealer, but then deny that same authority to intelligence officials investigating terrorists.

And contrary to claims by critics, there is oversight of these provisions. Both section 206, roving wiretaps, and section 215, business record requests, must be approved by a FISA judge. Both section 206, roving wiretaps, and section 215, business records, also are subject to rigorous minimization procedures. These procedures, also approved by a FISA judge, assure that only information that pertains to the investigation is actually collected. Finally, both section 206, roving wiretaps, and section 215, business records, prohibit the government from gathering intelligence on a U.S. citizen or legal resident who is exercising his First Amendment rights.

The third provision set to expire is the so-called lone wolf definition. As originally enacted, FISA authorized intelligence gathering only on foreign governments, terrorist groups or their agents. FISA did not allow the government to collect intelligence against individual terrorists. The lone wolf provision amended the definition of ''agent of a foreign power'' to close this gap.

An increasing number of attempted terrorist attacks on the U.S. are being carried out by self-radicalized jihadists who adopt an agenda as equally hateful and destructive as any terrorist group. The lone wolf definition simply brings our national security laws into the 21st century to allow our intelligence officials to respond to the modern-day terrorist threat. The lone wolf authority cannot be used against a U.S. citizen.

This temporary extension ensures that there are no gaps in our intelligence collection. Without an extension of these authorities, we will forfeit our ability to prevent terrorist attacks. A temporary extension of these provisions is the only way to provide House Members the time to study the law, hold hearings, consider amendments and conduct markups. We need to approve this temporary extension today, or we will make it harder to prevent terrorist attacks.

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

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 20 minutes.

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

Ladies and gentlemen, here we go again. Last Tuesday on February 8 when this measure came up, it was defeated. It was a bipartisan vote. There was a full and fair discussion. Twenty-six Members on the other side joined with us to make sure that this measure was adequately examined for the flaws.

□ 1740

It's not that the Patriot Act isn't important or needed. It's just that it's flawed. The most flawed provision of the three provisions is the one I want to comment on briefly, and that is the so-called ''lone wolf'' provision—someone operating on his own and not particularly attached to anyone. This provision allows our full national security surveillance powers, which are designed to be used against enemy governments, to be used against a single individual who is unaffiliated with any foreign power or terrorist group.

Now, it is widely known that this provision has never been used. It hasn't been used because there are no terrorists; it hasn't been used because it doesn't have to be used. The Department of Justice, by its own admission, has other powers to go after these individuals. And that's why it hasn't been used. And because we got a closed rule from the Rules Committee, we weren't able to work out an agreement to take it out. Therefore, I come before you today to urge that we do not accept this measure. It is way too broad. And under the statutory definition, virtually any evildoer can be declared a ''lone wolf.''

So, ladies and gentlemen, let's be tough on terrorists. But let's describe this in a way that it will not be used in a way that will create fears that if we drop the lone wolf provision, the world may come to an end. I urge that this one provision is sufficient reason for us not to agree to the measure before us today.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime and Terrorism Subcommittee of the Judiciary Committee.

Mr. SENSENBRENNER. I thank the Judiciary chairman for yielding.

Mr. Speaker, last week, 122 Democrats rejected legislation to temporarily extend the three expiring Patriot Act provisions, including 36 who supported a 1-year extension last year. The House then adopted a rule to bring the bill back to the floor today, and the vast majority of my colleagues on the other side of the aisle opposed that, too. These votes are nothing but the minority party playing politics with national security, and their arguments ring hollow.

The Democrats' 1-year extension last February successfully achieved their goal of delaying Patriot reauthorization until after the midterm elections. But it left very little time for the new Congress to complete a reauthorization bill before the February 28 sunset. My colleagues on the other side of the aisle now profess concerns with the expiring provisions. If they were so concerned about the law, they could have easily brought a reauthorization bill to the floor last Congress making changes to these provisions, but they did not.

They also take issue with the process used to achieve this much-needed extension, criticizing the absence of hearings or a markup. But they gloss over the fact that their 1-year extension was brought straight to the floor with no hearings, no markup, and no opportunity to offer amendments—the same circumstances that a year later they now claim to dislike.

Since this law was enacted, these provisions have been scrutinized to the fullest extent of the law and have either been unchallenged or found constitutional. The lone wolf definition has never been challenged. Section 206 roving wiretaps have never been challenged. But Members should know that, in 1992, the Ninth Circuit Court of Appeals—and that's the Ninth Circuit, the most liberal in the country—upheld criminal roving wiretap authority under the Fourth Amendment to the Constitution. Section 215 business records were challenged, but after Congress made changes to that provision in the 2006 reauthorization, which I sponsored, the lawsuit was withdrawn. These three provisions have stopped countless potential attacks and play a critical role in helping ensure law enforcement officials have the tools they need to keep our country and its people safe.

Opponents of these provisions argue that we can simply use criminal laws to gather the information we need. But this argument ignores the most important distinction between criminal investigations and intelligence gathering. Criminal investigations only occur after the fact—after a murder has been committed or a home has been burglarized. The entire purpose of intelligence gathering is prevention—to stop the terrorist attack before it happens. We cannot rely on criminal tools to identify and apprehend those who are plotting to attack us.

As the Democrats choose to play politics rather than worry about the safety of our country, we're now under a time crunch. Only 4 legislative days, including today, remain for the House to extend these provisions before they expire and our Nation is placed at a greater security risk. We can't let our guard down. These are needed provisions to keep America safe, and I urge the House to approve this bill today and urge the other body to act quickly to reauthorize these provisions.

It's time to put politics aside and do what's right for America's national security. I urge passage of the bill.

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

I would like to remind the chairman emeritus of the Judiciary Committee, Mr. SENSENBRENNER, that we are not playing politics. And merely accusing us of that and of not having hearings doesn't help the debate much.

On September 22, 2009, the Subcommittee on the Constitution of the Judiciary Committee held hearings; and on October 29, 2009, the full committee held hearings and reported out a bill, I would say to my friend from Wisconsin. On November 4 and 5 of 2009, I say to the distinguished gentleman, we had a 2-day markup in Judiciary with record votes on 10 amendments offered by members of both parties and we reported out a compromise measure by voice vote. And so to say that we didn't hold hearings when we were in control is inaccurate, and I am not made happy by this misrepresentation.

To say that this is a minority party tactic misses the point, again. The gentleman was awake and on the floor last Tuesday. Twenty-six of your members voted with us. That's not partisan politics. And so I am very sorry that this discussion is getting off with so much misinformation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN), chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, let's be reminded of what the 9/11 Commission report observed. That report said 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. In this case, freedom presupposes security. That's what we're talking about here.

The distinguished former chairman of the Judiciary Committee basically has called into question the lone wolf terrorist provision. He says it's never been used. I heard this same argument on the floor last year before we had the domestic lone wolf known as Major Hasan. I heard the same argument on this floor last year before we saw the consequence of a loan wolf action in Times Square.

□ 1750

I heard the same argument last year before we saw the lone wolf action of the Christmas Day bomber. I heard the same argument 2 years ago before we heard that.

The fact of the matter is and the greater concern that we have today, as expressed just this last week by the Secretary of Homeland Security, is that the level of the threat is as high today as it has ever been since 9/11. When asked about it, she explained, as did the co-chairs of the 9/11 Commission, that it is the less consequential attacks done by those who are not directly associated with al Qaeda or with affiliate organizations, i.e., lone wolves, that cause them to be of greater concern today.

CIA Director Leon Panetta, who is of this administration, has warned that it is the lone wolf strategy that I think we have to pay attention to as the main threat to this country. The gentleman from Michigan would have us wait until that threat is carried out before we then say, well, maybe now we have a reason to have the lone wolf provision.

Professor Robert Turner of the Center for National Security Law has written as to how the absence of authority to conduct surveillance of a lone wolf terrorist undermined the FBI's effort to gain access to the content of Zacarias Moussaoui's laptop computer and how it materially impeded a critically important investigation that in the absence of FISA might well have helped prevent the attacks on September 11, 2001.

Now, the distinguished former chairman of the committee has said this allows us to use this provision against anybody. Not true. It has to be someone who is not a citizen or a permanent resident of the United States who is engaged in international terrorism but who may not be linked to a foreign power or terrorist organization.

Today, in the age of the Internet, when someone is incited or inspired by one of these individuals from a foreign country and then carries out a terrorist act, that is the definition of a ''lone wolf.'' The gentleman from Michigan would have us shackle ourselves so as not to be able to deal with this, as was explained by the gentleman from Michigan (Mr. ROGERS), a former agent of the FBI.

These are antiterrorism cases, not criminal investigations. What we are trying to do is not collect the body parts after a successful attack and then try and find those who caused it and try and bring them to justice. No, we are trying to stop the attack in the first place and protect Americans. That's why you have the FISA court. That's why you have some of these different definitions. What we have done within the ambit of those definitions is try and protect the civil liberties of Americans while at the same time allowing us to take reasonable, responsible and, yes, proactive actions against those who would murder Americans.

There is a difference between a criminal investigation and a counterterrorism effort. It is the difference between trying to prosecute someone for a crime that has already been committed as opposed to trying to prevent the death and destruction that would be rained upon the United States by these terrorists.

I am the author of the sunset provisions. I brought this because I thought it required us to look at these three provisions because, yes, they were the most controversial; but I am convinced after looking at it in these years that these provisions have not been abused.

At the same time, I am going to be working with the gentleman from Wisconsin and others to have rapid, intensive, active oversight of these provisions to ensure that we do not have some deprivation of civil liberties as we carry out these necessary functions.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to remind my dear friend from California that the provisions in lone wolf do not apply to Americans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield myself an additional 15 seconds.

Hassan was an American, and we have not yet used the terrorist provisions of lone wolf.

Mr. Speaker, I yield 45 seconds to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I would hope that my good friend from California, in his very passionate defense of the Patriot Act, did not mean to imply that the distinguished Mr. CONYERS in some way would suborn terrorism, because he chooses to point out that the standards that are required to obtain electronic surveillance orders from criminal courts are really being circumvented under section 601.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I did not question the motivation of the gentleman from Michigan, nor would I; but I would question his conclusions and the impact of his decisions.

Mr. KUCINICH. I think it is fair for us to debate this. I think we have to just be cautious about how far we draw conclusions about the motivations of each other in taking the positions that we do.

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from North Carolina, WALTER JONES.

Mr. JONES. Mr. Speaker, it is always interesting for those of us who don't have a law degree to come down and listen and sometimes, like myself today, to have a few minutes to share my thoughts on this, because I think the majority of people in my district are God-fearing, constitutional-loving Americans like people in anybody else's district across this Nation.

I regret and will always regret that I was too weak to vote my conscience when we had the Patriot Act up the first time. I did not feel good about it. As a non-attorney and as an American who loves the Constitution and who believes in the civil liberties that are guaranteed, this country too many times has sold itself to the Federal Government to take care of it.

I make reference, Mr. Speaker, to a book that was written by Judge Andrew Napolitano. He is a well-known constitutional lawyer who is on Fox News from time to time. The title of the book is ''A Nation of Sheep.'' He actually wrote this book in 2007, years after we passed the Patriot Act. He goes through every aspect of the Patriot Act, which he believes sincerely is a serious violation of the civil liberties of the American people. In fact, I would like to share just a couple of his comments.

He said: ''The gravest dangers to our freedoms lie hidden in a government that has seized them from us, and that vigilance and natural law can save us from the power-hungry bureaucrats who run the government today.''

He further stated in the book ''A Nation of Sheep'': ''An unalienable right comes from God and is an element of humanity that cannot be given up or legislated away.''

Let us not legislate away our God-given right to liberty.

Mr. Speaker, I hope that my colleagues who voted against this when it was on suspension will again today vote ''no'' on this reauthorization, because it should go to a hearing. We should be very careful. And I hope and pray that maybe we will be able to defeat this tonight, but I know the odds are against it.

Mr. Speaker, I will ask God to continue to bless America and to continue to bless the Constitution. As Andrew Napolitano says, let's not be a Nation of sheep.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would now like to yield such time as he may consume to a senior member of the committee, the gentleman from Virginia, BOBBY SCOTT, a former chairman of the Judiciary Subcommittee on Crime.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 514, which would extend for 1 year sweeping governmental intrusions into our lives and privacy that were authorized by the USA PATRIOT Act and the 2004 Intelligence Act. Without meaningful oversight and committee deliberations demonstrating that these extraordinary powers are needed, we should not extend these provisions for one full year, or for any period of time for that matter, and I therefore oppose the bill.

I am opposed because I simply do not accept the argument that, in order to be safe, we necessarily have to sacrifice our rights and freedoms. I agree with Benjamin Franklin, who stated during the formation of our Nation: ''They who give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

One of the provisions in the bill reauthorizes section 215 of the Patriot Act, which gives the government power to secretly invade our private records, such as books we read at the library, by merely alleging that they are relevant to a terrorism investigation but without having to show that the seized material is in connection with any specific suspected terrorists or terrorist activities.

□ 1800

There is no requirement to show probable cause or even reasonable suspicion of being related to a specific act of terrorism, and therefore, there is no meaningful standard to judge whether or not the material is, in fact, necessary.

Another provision of H.R. 514 is section 206 of the Patriot Act which is referred to as the ''roving John Doe wiretap provision.'' It gives the government the power to wiretap a phone conversation without having to show which phone will be tapped or even who will be using it, and without requiring a court order for a specific roving tap.

The third provision is Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, referred to as the lone wolf provision. It gives the government the power to spy on individuals in the United States who are not U.S. citizens or permanent resident aliens, even though they are not agents of a foreign government or any terrorist organization. Unfortunately, this means that if those targeted had any interaction with an American citizen, then that American citizen is spied upon as well.

We have already allowed spying on such noncitizens outside of the United States or even in the United States where there is probable cause, only that they are agents of a foreign government or members of a terrorist organization, but this is an extension of that power that can envelop anybody simply as a result of the occasion of interacting with a targeted person, even while in the United States.

The three provisions give the government power to invade our privacy even when there is no probable cause, nor even reasonable suspicion or credible evidence of any wrongdoing, and without allowing the kind of detached oversight such as a court warrant, which is generally called upon when such power over individuals is extended. And it is important to note that in cases of emergencies, warrants can be obtained after the fact. Law enforcement officials can perform wiretaps and searches in emergency situations and then get a warrant.

So, Mr. Speaker, absent oversight protections, even when after the fact warrants are available, all three of these provisions should be allowed to expire unless we demonstrate in oversight hearings and committee deliberations that these powers are necessary and narrowly tailored to achieve a compelling national security interest. These freedoms and protections that these provisions take away are the very core of our values and liberties. So these protections should not be legislated away without committee deliberations guaranteeing rigorous oversight to protect against abuse.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding me 2 minutes.

What I would just like to say, Mr. Speaker, is that with respect to roving wiretaps, it's only available after the government has been able to prove to the court that the target may engage in countersurveillance activity such as rapidly changing the cell phone number. It doesn't allow the government to make a general boilerplate application. It requires them, if they can't identify the individual, the very specific individual, to give some particularity in the request to identify that person as much as they possibly can.

It is also a requirement we put in the law that once they have actually utilized this roving wiretap on different instruments of communication, they have to report to the court within 10 days as to what took place. So we have refined this as much as absolutely possible.

What we're trying to do is keep up with technology. We know that some of these targets will buy 100 cell phones and use them for a single conversation and throw that cell phone away. You can't just think that's going to happen. You have to prove to the satisfaction of the court that there is a reason to believe that they are going to take these kinds of efforts to try and stop surveillance in these regards.

Again, this is before the FISA court, and it only deals with these kinds of cases. This is not regular criminal cases. So the gentleman's concerns have been raised before, and we met those concerns in our prior treatment of this law. So it is a careful balance that we created here, to take into consideration the new techniques utilized by those who would threaten us and at the same time try and provide for a third party, a court, a Federal court made up of Federal judges, to look at this. We have to report before, and we would have to, that is, our agency activists, would have to report afterwards, within 10 days.

I believe that's about as much protection as you can give and still be effective in this environment.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to a distinguished Member of this body, DANA ROHRABACHER of California.

Mr. ROHRABACHER. Thank you.

Mr. Speaker, when Congress passed the Patriot Act in 2001 in the aftermath of 9/11, we mandated sunsets on the provisions that dramatically expanded Federal investigative and enforcement powers, especially those that could infringe on the freedom of American citizens. Sunsets meant that Congress would have to specifically extend the time on those powers or they

would expire. Five years ago, the last time around, the Bush administration attempted to make permanent this crisis-related expansion of authority by removing the sunsets.

Let me congratulate my friend from California who spent so much time trying to make sure the sunsets were in, and DAN, we know that you worked really hard to make sure those sunsets were put in, but not all of them were.

This power grab on the part of the Bush administration was thwarted by good Members like DAN LUNGREN who are with us today in this debate. Today, a few controversial sections are still scheduled to periodically sunset. The congressional action to extend these provisions deserves hearings, adequate debate, and the right to amend, thus ensuring accountability and transparency on such a significant issue. We have not met this standard this time around.

The Republican leadership has committed to a more acceptable process by December, when the extension of this bill comes up for a vote again. I hope I will be able to vote ''yes'' at that time. Until then, it is ''no.''

And let us note about the accusations of politics in this. I believe the American people have a legitimate fear of out-of-control government. They have a legitimate fear of out-of-control spending and out-of-control bureaucracy, and yes, they have a legitimate fear of out-of-control prosecutors and out-of-control spy networks. Let's make sure we stand for freedom here. That's not political.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I want to give my friend from California and other Members a little history lesson.

When the Patriot Act was drafted in 2001, I insisted on the sunset and the then-Republican-controlled House prevailed on that issue against the then-Democrat-controlled Senate. I resisted repeal of the sunset prematurely, and in 2005, the Judiciary Committee, when I was chairman, had hearings on each of the 17 provisions. There was no controversy about 14 of those provisions. Even the ACLU testified in behalf, that those provisions have not been abused. So 14 of the provisions were made permanent. This law has not trampled on anybody's civil rights.

Where there was a constitutional problem with section 215, it was fixed in the reauthorization, and I'm getting a little bit irritated at the scaremongering that has been going on about this law when no provision has been held unconstitutional by a court.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the gentleman from New York, JERRY NADLER, former chair of the Constitutional Subcommittee.

□ 1810

Mr. NADLER of New York. Mr. Speaker, I rise to oppose the extension of these provisions when the House has done nothing to consider them or to consider possible reforms or even to hold a hearing or a markup.

The three sections scheduled to sunset are all troubling, and I hope that we will have the opportunity to review them carefully before they come before the House again.

Section 215 authorizes the government to obtain ''any tangible thing,'' such as library or business or medical records, if ''there are reasonable grounds to believe that they are relevant'' to a foreign intelligence or international terrorism investigation. Before the enactment of section 215, the government had to show ''specific and articulable facts giving reason to believe that the person to whom the records pertain'' is a foreign agent or a terrorist. Section 215 allows the government to delve into the personal records of someone even if there is no reason to believe that that person has anything to do with terrorism. This poses a threat to individual rights in the most sensitive areas of our lives, with little restraint on the government.

Section 206 provides for roving wiretap orders, supposedly to catch up with technology, but these orders identify neither the person to be tapped nor the facility to be tapped. This is, for all practical purposes, a general grant of authority to wiretap anyone anywhere that the government wants. They should either have to identify either the person or, because of modern technology, the facility. But one or the other. There are almost no limits to this authority and no requirement that the government name a specific target. This is akin—very similar—to the British general writs of assistance which engendered the first colonial outrage that led to the American Revolution. Here we are coming full circle.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called ''lone wolf provision,'' permits secret intelligence surveillance of people who are concededly not affiliated with a foreign government or organization. It provides the government with the ability to use secret courts and other investigative tools that are unacceptable in a domestic criminal investigation, as if we were dealing with a foreign government or entity. According to government testimony, this provision has never been used because you can use the normal criminal provisions if you suspect someone of planning mayhem or terrorism or anything else. Surveillance of an individual who is not working with a foreign government or organization is not what we normally consider or understand as foreign intelligence. There may be good reasons for the government to keep tabs on such people, but that is no reason to suspend all of our laws under the pretext that it is a foreign intelligence operation.

While some have argued that each of these authorities remain necessary tools in the fight against terrorism, I believe we should not miss the opportunity to review the Patriot Act in its entirety, including the 14 sections that were sunsetted that are now permanent that many of us opposed making permanent at the time and thought should continue to be sunsetted so we could review them from time to time. We should examine the act to see how it's working, where it's been successful, where it's failed, where it goes too far, and where it poses threats to our liberties. That's the perfect of sunsets; and to extend the sunsets without review undermines that purpose.

There is another law that is allied to this that also deserves careful review, the National Securities Letters Reform Act. I have introduced legislation which would better protect civil liberties while ensuring that NSLs remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the NSL authority is too great for the Congress to ignore. I was encouraged to see some of my Republican colleagues across the aisle last week vote ''no'' on the extension. It shows a healthy skepticism of unrestrained government power to spy on people in the United States. That is the essence of opposition to unchecked government power. That value should not be a partisan one. I hope to work with my colleagues on both sides of the aisle to restore our traditional respect for the right of people to be secure from unchecked government intrusion. That's why we have the Fourth Amendment. I hope we will be able, after this vote, to examine carefully the way these provisions have been used or abused and to look at ways to reform the law in light of experience. That was the purpose of sunsets, and I hope we can take advantage of that opportunity.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. How much time remains, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan has 1 minute remaining. The gentleman from Texas has 4 minutes remaining.

Mr. CONYERS. Does my friend from Texas have in his heart any generosity to yield a couple of minutes?

Mr. SMITH of Texas. Mr. Speaker, I would like to respond to my friend from Michigan and say, I believe I could find the time if he could find a way to give us a copy of the motion to recommit at this time.

Mr. CONYERS. That is up to the leader. That is not up to me.

Mr. SMITH of Texas. Mr. Speaker, in anticipation of a good-faith effort to consider that proposal by the gentleman from Michigan, I yield the gentleman 2 minutes of my time for his control.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control 2 additional minutes.

There was no objection.

Mr. CONYERS. I thank the gentleman from Texas, LAMAR SMITH, the chairman, for his generosity.

I now yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I too would like to express my appreciation to the chairman, my colleague from Texas, for the time and to the ranking member as well.

All of the issues have been laid out as to the three elements. So I just simply want to pose a question to my colleagues: We know that we have a problem with the three remaining intrusive and, I believe, unconstitutional provisions.

We know that Ranking Member CONYERS has explained that we were not absent; we did not have the lights out under his jurisdiction. We actually pursued this. We couldn't get an agreement. We couldn't move toward the floor. So the question now is, we realize that a roving wiretap is intrusive. We realize that the ''lone wolf'' provides a problem. So the question is, how do we fix it for the American public? How do we ensure the Constitution is intact?

Let me be very clear: It is well documented that human intelligence is the best. Why? Because most of us were surprised when I say that in the intelligence community—at least they have not articulated about what is going on in the Mideast, both in Egypt and Yemen and otherwise—we were surprised. Did any of that help us? This is an intrusion on the American public.

We are not in any way nonpatriots. We are patriots. We believe in the Founding Fathers. We understand that they came together to give you, Americans, the right to your freedom. We ask for the Fourth Amendment to be sacrosanct, to indicate that you are not subject to unreasonable search and seizure. That is my question to my colleagues: When will you engage in the hearings and the ability to mark something up to address these infringements? How quickly will you move? December of 2011 is too long. Let us work together to uphold the Constitution.

Mr. Speaker, I rise today to express my opposition to the H.R. 514, ''To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.''

This bill would extend provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, and the Intelligence Reform and Terrorism Prevention Act of 2004 through December 8, 2011. It extends a provision that allows a roving electronic surveillance authority, and a provision revising the definition of an ''agent of a foreign power'' to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the ''lone wolf provision.'' It also grants government access to business records relating to a terrorist investigation.

While the PATRIOT Act is intended to improve our ability to protect our Nation, it needs to be revised and amended to reflect the democratic principles that make this country the crown jewel of democracy. The bill before us today, however, does not do that. In fact, even the manner by which are even considering this bill, only days after introduction without any oversight hearings of mark-ups, circumvents the process we have in place to allow for improvements and amendments to be made.

The three expiring provisions of the PATRIOT Act that H.R. 514 would extend overstep the bounds of the government investigative power set forth in the Constitution.

The first provision authorizes the government to obtain ''any tangible thing'' relevant to a terrorism investigation, even if there is no showing that the ''thing'' pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show ''reasonable suspicion'' or ''probable cause'' before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity. If we do not take steps to improve this provision, then it should be allowed to expire.

The second provision, known commonly as the ''roving John Doe wiretap,'' allows the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Like the first provision, this, too, was addressed in the Judiciary Committee during the last Congress, and is also contrary to traditional notions of search and seizure, which require government to state ''with particularity'' what it seeks to search or seize. If this provision were given the opportunity to be amended and improved, it should be done so to mirror similar and longstanding criminal laws that permit roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the ''lone wolf' provision, which permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States. Moreover, according to government testimony, this provision has never been used. Because of the potential for abuse created by this provision, and the lack of need for its existence, it, too, should be allowed to expire.

Another problem with H.R. 514 is that it fails to amend other portions of the PATRIOT Act in dire need of reform, specifically, those issues relating to the issuance and use of national security letters, NSLs. NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is not suspected of unlawful behavior.

The three provisions I have just mentioned, as well as the issues surrounding NSLs, have all been examined and amended in the past Congresses, because they were in dire need of improvements to protect the rights of Americans. I was against these provisions, as written, in the past, and without amendments, I am still against them today.

Issues surrounding these particular provisions are not a stranger to us, for we have been dealing with them since 2001 when the PATRIOT Act was introduced. In 2005, the PATRIOT Act was examined in the Judiciary Committee. I, along with other Members of the Judiciary Committee like Mr. CONYERS and Mr. NADLER, offered multiple amendments that not only addressed the three provisions in H.R. 514, but also National Security Letters and the lax standards of intent.

Again, these same issues came before us in 2007. On August 3, 2007, I stood before you on the House floor discussing the Foreign Intelligence Surveillance Act, FISA, another piece of law used in conjunction with the PATRIOT Act and essential to combating the war on terror, but one that was in need of improvements to protect Americans' constitutionally enshrined civil liberties. On that day, I said that, ''we must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans,'' and I stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns around secret surveillance and secret searches, which were kept permanently secret from the Americans whose homes and conversations were targeted. There were also concerns such secret searches intended for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority, and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our constitution. I stand here today urging my colleagues to consider allowing similar amendments to the PATRIOT Act that better protect Americans' right to privacy before moving this legislation out of the House of Representatives and onto the other legislative body.

Furthermore, this very bill was considered last year in the 111th Congress, and went through oversight hearings and two days of mark-up in the Judiciary Committee. Yet, none of those voted-on, bipartisan amendments that resulted from those hearings are included in this bill. In those hearings, multiple concerns were raised about the breadth of the PATRIOT Act and the leeway it gives to infringe upon an individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow for greater transparency in the PATRIOT Act and enhanced protection against violation of individuals' civil liberties. None of my amendments, or those introduced by any of my colleagues who were on the Judiciary Committee at that time, are included in this legislation.

None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I am deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people, without so much as a hearing.

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our Nation from foreign threats. However, as an

American citizen, I am deeply concerned when our constitutional rights run the risk of being infringed upon in the name of national security.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient.

As an American citizen, the security and safety of my constituency is pinnacle, but I will never stand for legislation that infringes on the basic rights afforded in our Constitution. When our founding fathers drafted the Constitution, after living under an oppressive regime in Britain, they ensured that the American people would never experience such subjugation. Where are the protective measures for our citizens in the PATRIOT Act? Why are the measures addressed in the last Congress not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct robust, public oversight of all surveillance tools and craft reforms that will better protect private communications from overbroad government surveillance.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Because of the negative privacy implications of extending all of these provisions, I ask my colleagues to please join me in opposing H.R. 514, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.

Mr. CONYERS. Mr. Speaker, I yield the remaining time to the gentleman from Ohio, DENNIS KUCINICH.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1½ minutes.

Mr. KUCINICH. I want to first thank the ranking member, and I want to thank the gentleman from Texas for the amicable manner of comity that you have extended here. It is very much appreciated. I also want to say, as I have listen to my colleagues on the other side of the aisle speak in defense of this, I am aware that you love this country, that you want America to be safe, and you want America to continue to be free. And the great thing about this Congress is that we have different ways of viewing how we can go about that. But I have great respect for each of the speakers who has come forward.

I want to say that since Congress first passed the Patriot Act in 2001 that we have been continually challenged on this question of our constitutional duties to act as a coequal branch of government and that it is my belief that we have failed to conduct checks and balances over government power. I want to associate myself with the remarks of the gentleman from California (Mr. ROHRABACHER) in that regard and that we have failed to conduct robust and effective oversight. And in connection with the gentleman from Wisconsin, some of the remarks that you have made about what we needed to do, I think you have made some good points on that. I also think that we have a responsibility here to protect the American people from overt infringements on their most basic civil liberties, and I see this continuing extension as being a challenge to that.

Mr. Speaker, I rise in strong opposition to H.R. 514.

Since Congress first passed the PATRIOT Act in 2001, we have continually abdicated our constitutional duties to act as a co-equal branch of government by failing to conduct checks and balances over government power, failing to conduct robust and effective oversight, and ultimately, failing to protect the American people from overt infringements on their most basic civil liberties by continuing to extend these provisions without any meaningful reforms.

These three provisions were passed in the wake of 9/11, and given sunsets in recognition of their far reaching and unprecedented powers that effectively allow the government to conduct domestic surveillance and demand material from people not connected to any terrorism investigation, including librarians and peace groups. Yet they have been extended Congress after Congress without any reform.

Perhaps even more troubling is that we are extending these provisions through the end of the year without addressing the PATRIOT Act as a whole.

In a 2007 article by the Washington Post, then Federal Bureau of Investigation (FBI) assistant director stated that he is ''not even sure such an example exists'' that would demonstrate how expanded surveillance has made a difference in our national security.

Section 215 of the PATRIOT Act expanded the type of information the government could request from targets, while at the same time, lowering the standard required to obtain an order to request private records from targets. This means that the government can obtain orders for private records or items from people who are not connected to any investigation, including U.S. citizens and lawful residents. Orders executed under this provision constitute a serious violation of First and Fourth Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library or medical records.

National Security Letters (NSLs), which can be issued under Section 215 of the PATRIOT Act, allow the government to obtain private information from telecommunication companies, internet and email, and health care providers without judicial warrants or oversight. They can be issued to people who have not been accused of any wrongdoing and are often accompanied by gag orders.

According to an article in the Washington Post from 2005, NSLs ''do not need the imprimatur of a prosecutor, grand jury or judge. They receive no review after the fact by the Justice Department or Congress.'' The Fourth Amendment of the Constitution requires prior judicial review and allows warrants to be issued only with probable cause.

The government has used NSLs to demand records of patrons from librarians across the country. A decision by a federal district court rules in 2006 that the gag order enforced on librarians in Connecticut violated the First Amendment, forcing the government to withdraw the gag order and its demand for patron records.

Despite a successful challenge to the unconstitutionality of the original PATRIOT Act's gag order provisions by the American Civil Liberties Union (ACLU), 5% of all NSLs issued by the FBI in 2006 contained ''insufficient explanation to justify imposition of these obligations,'' according to the Inspector General of the Department of Justice.

The ability to demand records from Americans absent judicial review and probable cause are certain to quell free speech and freedom of association—rights protected and guaranteed by the Constitution.

The ''material support'' statute, also contained in the PATRIOT Act, criminalized the act of providing ''material support'' to any foreign organization designated as terrorist by the Secretary of State. ''Material support'' is defined so broadly that it can refer to almost any kind of support, including support that does not further terrorism. The U.S. Court of Appeals for the Ninth District Court ruled in 2000 that criminal bans on ''providing 'personnel' and 'training' to groups designated as foreign terrorist organizations by the government are unconstitutionally vague and could criminalize free speech as protected by the First Amendment,'' to include human rights advocacy training, humanitarian aid in conflict zones, or even writing an op-ed. A number of the cases brought forth by the government using this statute have been dismissed or ended in mistrial.

According to the ACLU, the material support provisions ''impermissibly criminalize a broad range of First Amendment-protected activity, both as a result of their sweeping, vague terms and because they do not require the government to show that a defendant intends to support the criminal activity of a foreign terrorist organization.''

Despite years of documentation by the Inspector General of the Department of Justice and respected human rights organizations of abuse by the government of these provisions, we have failed to hold agencies accountable for abusing the far reaching powers allowed under the PATRIOT Act.

As Members of Congress, we are sworn to protect the rights and civil liberties afforded to us by the Constitution. We have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act to ensure that the privacy and civil liberties of all Americans are fully protected.

[From the Washington Post, Mar. 10, 2007]

FBI AUDIT PROMPTS CALLS FOR REFORM—SOME LAWMAKERS SUGGEST LIMITS ON PATRIOT ACT

(By Dan Eggen and John Solomon)

Lawmakers from both parties yesterday called for limits on antiterrorism laws in response to a Justice Department report that the FBI improperly obtained telephone logs,

banking records and other personal information on thousands of Americans.

The audit by the department's inspector general detailed widespread abuse of the FBI's authority to seize personal details about tens of thousands of people without court oversight through the use of national security letters.

It also found that the FBI had hatched an agreement with telephone companies allowing the agency to ask for information on more than 3,000 phone numbers—often without a subpoena, without an emergency or even without an investigative case. In 2006, the FBI then issued blanket letters authorizing many of the requests retroactively, according to agency officials and congressional aides briefed on the effort.

The disclosures prompted a public apology from FBI Director Robert S. Mueller III and promises of reform from Attorney General Alberto R. Gonzales, who was the focus of a new tide of criticism from Democrats and Republicans already angry about his handling of the firing of eight U.S. attorneys.

''I am the person responsible,'' Mueller said in a hastily scheduled news conference. ''I am the person accountable, and I am committed to ensuring that we correct these deficiencies and live up to these responsibilities.''

Democrats and Republicans alike said Gonzales, Mueller and the Bush administration did not properly monitor the FBI and guard the privacy rights of U.S. citizens and legal residents. The report came at the end of a difficult political week for the Bush administration, after the conviction of Vice President Cheney's former chief of staff in the CIA leak case and damaging allegations by fired federal prosecutors.

Top lawmakers raised the possibility that Congress would seek to curb the Justice Department's powers, most likely by placing restrictions on the USA Patriot Act antiterrorism law.

''This goes above and beyond almost everything they've done already,'' said Sen. Charles E. Schumer (N.Y.), who was among a host of Democrats promising investigative hearings. ''It shows just how this administration has no respect for checks and balances.''

Sen. Arlen Specter (Pa.), the Judiciary Committee's ranking Republican, told reporters that Congress may ''impose statutory requirements and perhaps take away some of the authority which we've already given to the FBI, since they appear not to be able to know how to use it.''

Senate Majority Whip Richard J. Durbin (D-Ill.), who has been pressing for a review of national security letters since 2005, said the report ''confirms the American people's worst fears about the Patriot Act.''

A national security letter is a type of administrative subpoena that allows the FBI to demand records from banks, credit-reporting agencies and other companies without the supervision of a judge. The Patriot Act significantly expanded the FBI's ability to use them, and a reauthorization of the law last year required the audit that was issued yesterday.

The findings by Inspector General Glenn A. Fine were so at odds with previous assertions by the Bush administration that Capitol Hill was peppered yesterday with retraction letters from the Justice Department attempting to correct statements in earlier testimony and briefings. Gonzales and other officials had repeatedly portrayed national security letters as a well-regulated tool necessary for the prevention of terrorist attacks.

One such retraction letter, sent to Specter by Acting Assistant Attorney General Richard A. Hertling, sought to correct a 2005 letter that attacked a Washington Post story about national security letters. ''We have determined that certain statements in our November 23 letter need clarification,'' Hertling wrote.

Fine's 199-page unclassified report found that the FBI's records showed it issued more than 143,000 requests for information on more than 52,000 people through national security letters from 2003 to 2005. But not only did the agency understate that number in required reports to Congress, the number of requests it issued was much higher.

Nearly half the people targeted were U.S. citizens or legal residents, and the proportion of such ''U.S. persons'' increased over the three-year period, the report said.

In examining a small sample of security letters issued by four FBI offices, Fine discovered that the letters were improperly issued about 16 percent of the time. In the sample of 293 letters, the FBI had identified 26 potential violations but missed 22 others, the report said.

The report also details how, after obtaining sweeping new anti-terrorism powers under the Patriot Act in late 2001, the FBI did not establish basic training and record-keeping procedures to ensure that civil liberties were protected. That kept the agency from giving Congress accurate numbers on how often it used national security letters, the investigation found.

''During the time period covered by this review, the FBI had no policy or directive requiring the retention of signed copies of the national security letters or any requirement to upload national security letters to the FBI's case management system,'' the report said.

The findings are reminiscent of those in previous reports, including many by Fine's office, that have detailed the FBI's chronic inability to keep track of items ranging from guns to laptops to documents related to the Oklahoma City bombing case. Fine determined that the latest violations were not deliberate but that they could be widespread.

Gonzales described the problems as unacceptable and left open the possibility of criminal charges. He ordered further investigation.

''Once we get that information, we'll be in a better position to assess what kinds of steps should be taken,'' Gonzales said after a speech to privacy officials. ''There is no excuse for the mistakes that have been made, and we are going to make things right as quickly as possible.''

At the same time, Gonzales stressed that he thinks ''the kinds of errors we saw here were due to questionable judgment or lack of attention, not intentional wrongdoing.'' Mueller said that ''the number of abuses is exceptionally small'' compared with the broad use of national security letters and that ''no one has been damaged'' by the errors.

Anthony D. Romero, executive director of the American Civil Liberties Union, which has sued the government over its use of national security letters, said the report shows the need for an independent investigation of the Justice Department's antiterrorism tactics.

''It confirms our greatest suspicions about the abuse of Patriot Act powers and, specifically, national security letter powers,'' Romero said.

Aside from the findings about national security letters, the report details for the first time a separate kind of emergency letter used in ''exigent circumstances,'' modeled on letters used by New York FBI agents after the Sept. 11, 2001, attacks. The 739 emergency letters were issued as part of an agreement with three unidentified telephone companies and requested information with the promise of subpoenas, which rarely materialized, the report said.

Mueller indicated that ''we stopped the use of these letters'' in May 2006. An FBI official later clarified those comments, saying emergency letters are still used but now promise a national security letter rather than a subpoena sometime in the future.

[From the Washington Post, Mar. 18, 2007]

AMID CONCERNS, FBI LAPSES WENT ON—RECORDS COLLECTION BROUGHT INTERNAL QUESTIONS BUT LITTLE SCRUTINY

(By R. Jeffrey Smith and John Solomon)

FBI counterterrorism officials continued to use flawed procedures to obtain thousands of U.S. telephone records during a two-year period when bureau lawyers and managers were expressing escalating concerns about the practice, according to senior FBI and Justice Department officials and documents.

FBI lawyers raised the concerns beginning in late October 2004 but did not closely scrutinize the practice until last year, FBI officials acknowledged. They also did not understand the scope of the problem until the Justice Department launched an investigation, FBI officials said.

Under pressure to provide a stronger legal footing, counterterrorism agents last year wrote new letters to phone companies demanding the information the bureau already possessed. At least one senior FBI headquarters official—whom the bureau declined to name—signed these ''national security letters'' without including the required proof that the letters were linked to FBI counterterrorism or espionage investigations, an FBI official said.

The flawed procedures involved the use of emergency demands for records, called ''exigent circumstance'' letters, which contained false or undocumented claims. They also included national security letters that were issued without FBI rules being followed. Both types of request were served on three phone companies.

Referring to the exigent circumstance letters, Sen. Charles E. Grassley (R-Iowa) wrote in a letter Friday to Justice Department Inspector General Glenn A. Fine: ''It is . . . difficult to imagine why there should not have been swift and severe consequences for anyone who knowingly signed . . . a letter containing false statements. Anyone at the FBI who knew about that kind of wrongdoing had an obligation to put a stop to it and report it immediately.''

A March 9 report by Fine bluntly stated that the FBI's use of the exigency letters ''circumvented'' the law that governs the FBI's access to personal information about U.S. residents.

The exigency letters, created by the FBI's New York office after the Sept. 11, 2001, attacks, told telephone providers that the FBI needed information immediately and would follow up with subpoenas later. There is no basis in the law to compel phone companies to turn over information using such letters, Fine found, and in many cases, agents never followed up with the promised subpoenas, he said.

But Fine's report made no mention of the FBI's subsequent efforts to legitimize those actions with improperly prepared national security letters last year.

Fine's report brought a deluge of criticism on the FBI, prompting a news conference at which Director Robert S. Mueller III took responsibility for the lapses. Some lawmakers immediately proposed curtailing the government's expansive anti-terrorism powers under the USA Patriot Act.

In a letter to Fine that was released along with the March 9 report, Mueller acknowledged that the bureau's agents had used unacceptable shortcuts, violated internal policies and made mistakes in their use of exigent circumstance letters.

Mueller also said he had banned the future use of such letters this month, although he defended their value and denied that the agency had intentionally violated the law.

Other FBI officials acknowledged widespread problems but said they involved procedural and documentation failures, not intentional misgathering of Americans' phone records. Mueller ordered a nationwide audit, which began Friday, to determine if the inappropriate use of exigency letters went beyond one headquarters unit.

''We wish, in retrospect, that we had learned about this sooner, corrections had been made and the process was more transparent,'' FBI Assistant Director John Miller said yesterday.

Fine's report said the bureau's counterterrorism office used the exigency letters at least 739 times between 2003 and 2005 to obtain records related to 3,000 separate phone numbers. FBI officials acknowledged that the process was so flawed that they may have to destroy some phone records to keep them from being used in the future, if the bureau does not find proof they were gathered in connection with an authorized investigation.

Disciplinary action may be taken when the bureau completes an internal audit, a senior FBI official said in an interview at headquarters Friday.

Ann Beeson, an attorney for the ACLU who has sued the FBI in an effort to block some of its data requests, said that if the bureau cannot prove a link between the letters and an ongoing investigation, its requests were ''a total fishing expedition.''

The FBI agreed that one senior official, who spoke on the condition of anonymity because of forthcoming House and Senate hearings on the matter, would speak for the agency.

Lawmakers have begun to probe who knew about the use of the letters and why the department did not act more swiftly to halt the practice. Grassley asked that Fine turn over to the Senate Judiciary Committee copies of all FBI e-mails related to the letters of demand, as well as transcripts of the interviews Fine conducted on the issue.

The committee has scheduled a hearing for Wednesday, with Mueller as the chief witness. On Tuesday, the House Judiciary Committee intends to question Fine and FBI general counsel Valerie Caproni.

FBI and Justice Department officials said most of the letters at issue were drafted by the Communications Analysis Unit (CAU), which comprises about a dozen people assigned to analyze telephone records and other communications for counterterrorism investigators. They sent the secret requests to three companies—AT&T, Verizon and a third firm whose identity could not be learned. Since the 2001 terrorist attacks, the FBI has been paying the companies' cost of supplying such records almost instantaneously in a form that its agents can readily examine, according to the report and the senior FBI official.

In each letter, the FBI asserted that ''due to exigent circumstances, it is requested that records for the attached list of telephone numbers be provided.'' The bureau promised in most of the letters that subpoenas for the same information ''have been submitted to the U.S. Attorney's office who will process and serve them formally.''

But the inspector general's probe concluded that many of the letters were ''not sent in exigent circumstances'' and that ''there sometimes were no open or pending national security investigations tied to the request,'' contrary to what U.S. law requires. No subpoenas had actually been requested before the letters were sent. The phone companies nonetheless promptly turned over the information, in anticipation of getting a more legally viable document later, FBI officials said.

The use of such letters was virtually ''uncontrolled,'' said an FBI official who was briefed on the issue in early 2005. By that fall, CAU agents had begun creating spreadsheets to track phone records they had collected for a year or more that were not covered by the appropriate documents, according to FBI e-mails and interviews with officials.

A spokesman for AT&T declined to discuss the topic, referring questions to the FBI. Verizon spokesman Peter Thonis, who would not confirm nor deny the existence of an FBI contract with his firm, said that ''every day Verizon subpoena units respond to emergency requests from federal, state and local law enforcement for particular calling records. After 9/11, of course, Verizon responded to FBI emergency requests in terrorist matters, and we had every reason to believe they were legitimate emergency situations.''

The inspector general's report said that the wording of the exigency letters was copied from a standard letter that the FBI's New York office used to obtain urgently needed records after the 2001 terrorist bombings. When officials from that office were later reassigned to create the CAU in Washington, the senior FBI official said, ''they brought their business practices with them'' and continued to use the same letter ''for reasons that I cannot explain.''

But the unit was not authorized under FBI rules to make such requests, and from the outset in 2003 it asked FBI field offices to submit the promised legal follow-up documents. The offices rarely did so speedily, and in many cases ignored the request altogether.

''In practice, if you have already got the records, the incentive to do the paperwork is reduced,'' the senior FBI official said.

When a lawyer in the FBI's national security law branch, Patrice Kopistansky, noted in late 2004 that the proper legal justifications were frequently missing or extremely late, she did not advise agents to ''change their process,'' the senior official said. ''Our advice was instead to . . . use these letters only in true emergencies'' and institute ''covering practices.''

These included ensuring that the bureau's agents had opened a related investigation and promptly sent a formal national security letter to provide legal backing for the demand.

Bassem Youssef, who currently heads the CAU, raised concerns about the tardy legal justifications shortly after he was assigned to the job in early 2005, according to his lawyer, Steve Kohn.

''He discovered they were not in compliance, and then he reported that to his chain of command. They defended the procedures and took no action,'' Kohn said, adding that ''their initial response was to deny the scope of the problem.''

Youssef has battled the FBI in court over whether he was denied a promotion because of discrimination based on his ethnicity.

Eventually, the general counsel's office organized a meeting at headquarters on Sept. 26, 2005, where the bureau considered a workaround: Its lawyers proposed creating special, catch-all investigative files that could be used to authorize quick phone-records seizures that did not involve open field investigations.

But one official at the meeting, Youssef, argued that genuine emergency requests for the records ''were few and far between,'' according to an e-mail summarizing the meeting that was reviewed by The Washington Post, and the idea was never implemented. The account referred to efforts by one of the bureau's top lawyers to brief ''higher ups'' in the agency about the problem.

''At some point, they told us there were not that many such letters'' still in use, the senior official said. ''We believed the problem had resolved itself . . . in retrospect, it never got resolved.''

One reason that FBI officials did not act more quickly is that Kopistansky and others in the general counsel's office did not review until May 2006 copies of any of the exigent circumstances letters sent to the phone companies from 2003 to 2005. As a result, they were unaware that some of the letters contained false statements about forthcoming subpoenas and urgent deadlines, the senior official said.

Bureau officials ultimately decided to ''clean up'' the problem by writing seven national security letters designed to provide legal backing for all the telephone records requests that still needed it, the senior FBI official said. In every case, these requests in 2006 covered records already in the FBI's possession and lacked the required cover memos spelling out the investigative requirements for the requests.

At no time did senior FBI officials outside the communications unit attempt to tally how often the exigent circumstances letters had been used, with the result that Mueller and others in senior management did not learn about the scope of the problem until two months ago, when Fine informed them, the senior official said.

□ 1820

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

Mr. Speaker, we must act now to keep these national security laws in place. Time is running out. We have only a few days left to do what we need to do to keep America safe. These are commonsense provisions that prevent terrorist attacks, protect the American people, and preserve civil liberties. I urge my colleagues to vote ''yes'' on this commonsense extension.

Mr. FARR. Mr. Speaker, tonight I felt compelled to vote against extending the three expiring provisions of the Patriot Act that continue to give the government sweeping authority to spy on individuals inside the United States and, in some cases, without any suspicion of wrongdoing. These intrusive and sweeping powers stand in stark contrast to the fundamental individual privacy rights enshrined in the Fourth Amendment of our Constitution. All three surveillance provisions are unnecessary, they do not protect us against terrorism, and they should have been allowed to expire long ago. I am appalled by the blatant disregard for the civil liberties of innocent Americans who have absolutely no connection to the global war on terrorism, and I look forward to a time when these provisions are no longer the law of the land.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 514, a limited bill to extend three Patriot Act counterterrorism authorities scheduled to expire at the end of this month through December of this year. I do so to ensure our intelligence and law enforcement communities continue to have the tools they need to protect American citizens while Congress works to reform this currently flawed law.

The authorities being extended in today's legislation include Section 6001 of the Intelligence Reform and Terrorism Act, also known

as the ''lone wolf'' amendment, which allows surveillance of non-citizens engaged in international terrorism apart from identified terrorist groups; Section 206 of Patriot Act, which permits roving surveillance of terrorism suspects who use multiple communication devices to thwart detection; and Section 215 of the Patriot Act, which compels production of business records and other tangible items upon the approval of the FISA court.

Of these three authorities, the current construction of the Section 215 ''tangible items'' authority is the most problematic. Specifically, the ''relevance'' standard that must be met under this authority is too weak. Recipients of Section 215 orders are required to wait a year before challenging a nondisclosure order. And the government can use secret evidence to oppose judicial challenges to a Section 215 order.

I believe Section 215 and other Patriot Act authorities should be reformed along the lines of Senator PATRICK LEAHY's USA Patriot Act Sunset Extension Act. Additionally, the Justice Department and Congress must exercise more oversight over the application of these authorities to ensure that they are being exercised responsibly. It is critically 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.

Mr. PENCE. I rise in support of H.R. 514 to extend the three expiring provisions of the USA PATRIOT Improvement and Reauthorization Act and the Intelligence Reform and Terrorism Prevention Act of 2004. Nearly ten years removed from the attacks of September 11, 2001, it is all too clear that America is still a nation at war and these expiring provisions are still valuable tools in the Global War on Terror.

I was here at the Capitol on that day. I saw the evil of our enemies written in the smoke rising above the Pentagon. We are reminded even today that their desire to inflict such violence on our homeland and that of our allies is real.

Just last week, Homeland Security Secretary Janet Napolitano testified that the ''threat continues to evolve'' and went on to say that the risk of attack ''may be at its most heightened state'' since that fateful day in 2001.

Because we are still a nation at war, I support the extension until December 8, 2011 of the three provisions, set to expire on February 28, 2011.

The first, Section 206, authorizes the use of roving wiretaps by law enforcement after approval from the FISA court. This allows for terrorists or spies who throw away their cell phones and change locations frequently to be tracked before they can execute an attack. Roving wiretaps have been routinely used for decades by domestic law enforcement in criminal cases. Quite simply, the USA PATRIOT Act gives our national security and intelligence communities the same tools provided to local law enforcement and it is an essential tool to fight terrorism in the modem world.

Section 215 authorizes the FBI to ask FISA courts to issue an order that allows the FBI to investigate business records related to international terrorism and clandestine intelligence activities. With this provision at their disposal, the FBI will have a greater opportunity to obtain foreign intelligence information. Now some will argue that this provision will allow the federal government to spy on the business records, internet activities and library accounts of ordinary, law-abiding citizens. That is not the case.

To use Section 215, national security agents need approval from the FISA court. The government must demonstrate to the court that the business records sought are ''not concerning a United States person,'' but in connection with international terrorism. The oversight requirements of this provision are very stringent. Every six months, the Attorney General must report to Congress on the number of times a Section 215 order has been sought, granted, modified or denied.

The third provision, found in section 6001 of the Intelligence Reform and Terrorist Protection Act, commonly known as the ''Lone Wolf'' provision, allows law enforcement to track those non-U.S. citizens who seek to inflict terror under their own initiative, without affiliation to common terrorist groups.

Mr. Speaker, only weeks ago, Members of this body took the oath of office and swore to protect and defend the Constitution of the United States, against all enemies. We have the responsibility to uphold that pledge, and in doing so, I believe we must equip law enforcement and intelligence officials with the tools necessary to protect Americans from terrorist attack.

There is no doubt about America's determination to protect itself and this legislation will ensure that our intelligence community—those who work tirelessly every day to protect us—have the tools they need to prevent the horrors of September 11th from being brought to our soil again.

We must also safeguard the precious civil rights and liberties that make our lives free and fulfilling. The PATRIOT Act includes strong protections for the civil liberties of Americans and continues extensive measures for oversight and review of the Department of Justice and our intelligence agencies. As a member of the Committee on the Judiciary, I fully understand the need to strike a proper balance between security and the rights of the American people, and I believe that in extending these provisions, we will do just that.

I am confident this Congress will continue its oversight duties so that we can ensure that every tool available to the intelligence community is coupled with safeguards that ensure the civil liberties of the American people.

Our solemn duty is to protect Americans from terrorists and safeguard their civil liberties, and we will fulfill that duty by passing this bill to extend, through December 8th of this year, these crucial provisions of the PATRIOT Act.

I urge passage.

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

The SPEAKER pro tempore. Pursuant to House Resolution 79, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. THOMPSON of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of California. I am opposed in its current form.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of California moves to recommit the bill, H.R. 514, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 1, add the following new subsection:

(c) COMPLIANCE WITH CONSTITUTION.—

(1) INVESTIGATIONS MUST COMPLY WITH CONSTITUTION.—Each investigation of a United States citizen conducted under an extended authority shall be conducted in a manner that complies with the Constitution of the United States, including the first through tenth amendments to the Constitution of the United States (commonly known as the ''Bill of Rights'').

(2) EXPEDITED REVIEW OF VIOLATIONS.—In any civil proceeding before a Federal court that involves an alleged violation of paragraph (1), such court shall expedite such proceeding.

(3) EXTENDED AUTHORITY DEFINED.—In this subsection, the term ''extended authority'' means any authority available under—

(A) an amendment to section 105(c)(2), 501, or 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2), 1861, 1862) that took effect after October 25, 2001; or

(B) section 101(b)(1)(C) of such Act, as amended by section 6001(a) of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458; 118 Stat. 3742).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of California. Mr. Speaker, the Patriot Act gave law enforcement some necessary tools to keep up with technological advances being used by those who would do harm to our country. It did not abolish our responsibility to make sure that the constitutional rights of law-abiding citizens are protected.

This motion to recommit will guarantee that the powers of the Patriot Act being voted on today are not used to violate the constitutional rights and freedoms of American citizens.

More specifically, this motion does two important things:

First, it states a fundamental truth, that even in secret national security investigations, Patriot Act investigations of U.S. citizens may not circumvent any provision of the United States Constitution. The Patriot Act powers are used in secret. As a result, when ordinary American citizens are ordered to turn over information to the government under these expansive powers, they are prohibited from discussing their case in public. The risk of government overreach is at its greatest in matters such as these.

The second section states that if a U.S. citizen argues to a court that government spying has violated their constitutional rights, that the citizen's case must be expedited. The FISA laws

currently require that when our government seeks a secret court order to conduct surveillance of an American citizen, the government's request must be expedited by the court. This provision is a basic promise of fair and equal treatment, and that the government should not have greater rights than the people.

We took an oath of office to protect and defend the Constitution of the United States against all enemies, foreign and domestic. Our obligations to that oath and to the American people we represent are put to their greatest test when we consider matters of national security and government powers such as the ones before us today.

I urge all Members who support the freedoms guaranteed by our Constitution to vote ''yes'' on this motion to recommit.

I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, this motion is as straightforward as they come. The Patriot Act should be enforced in a manner that doesn't violate Americans' constitutional rights, and those who believe their constitutional rights have been violated should receive fair and equitable treatment by the courts.

I can't imagine any of my colleagues from either party voting against this bedrock principle that the executive branch should respect the Constitution when it comes to investigating American citizens. After all, each of us took an oath of office last month to support and defend the Constitution of the United States against all enemies, foreign and domestic. I know we all take that oath seriously. Indeed, we opened this session of the Congress by reading through the U.S. Constitution on this floor, an exercise in which I was pleased to participate.

It's in that same spirit that we offer this motion. For while we have differing views on how best to protect our national security, while upholding our cherished liberties, and in this case, on whether the enhanced authorities in this underlying bill are still needed nearly a decade after the September 11 attacks, we should all be able to agree that the United States Constitution is our last line of defense in cases where an American's civil liberties may be threatened. So, by assuring that the exercise of these powers doesn't violate our basic constitutional rights, this motion would provide a safety net to protect Americans' civil liberties in the absence of a more comprehensive review of the Patriot Act.

The second part of this motion states simply that Americans who believe their constitutional rights may have been violated by the government should receive the same expedited consideration by the courts that the government already receives. How can anyone argue with that? Why shouldn't our courts be equally responsive to the concerns of American citizens as they are to the concerns of the government, especially when an individual believes his constitutional rights have been violated. A government of the people, by the people, for the people has the utmost responsibility to protect the constitutional rights of every individual, especially when it comes to matters of national security.

So this motion to recommit, Mr. Speaker, is simple, straightforward and consistent with the bedrock principle of our Republic. I urge my colleagues to vote ''yes'' regardless of their views on the underlying bill, to vote ''yes'' as an affirmation of the support of this body for our Constitution.

□ 1830

Mr. THOMPSON of California. Reclaiming my time, Mr. Speaker, again, I urge all my colleagues to vote ''yes'' on this motion to recommit to protect our Constitution and the civil rights and the civil liberties of the American people, while at the same time making sure we are safe from those who may wish harm to us.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, a few minutes ago, the chairman of the Judiciary Committee, the gentleman from Texas, yielded the Democrats 2 additional minutes, and asked for a copy of the motion to recommit so that we could look at it. The gentleman extended that offer in good faith.

We received a copy of this motion to recommit at the time the Clerk started reading it, and our offer of good faith was responded to with an attempted surprise.

Now, the underlying bill, H.R. 514, is very simple. All it does is extend the authorizations that are about ready to expire until December 8. It doesn't add to the Patriot Act and the Terrorism Prevention Act. It does not subtract from it. It gives the Judiciary Committee the time to do the oversight, which is exactly the same thing that I did when I was the chairman the last time the sunset expired.

But there is something else in here that I think is very important, and that is that there is a provision that would cause the courts to second-guess themselves every time a national security action asked them for a business record order. And rather than expediting the request to seek information on terrorists, this motion to recommit tells the court to expedite civil lawsuits against the United States Government to get money damages under a provision that is in the Patriot Act, and that tips it all on its head.

If the civil rights are violated, there is a provision in this Patriot Act that allows people to file a lawsuit and to do all of the discovery that needs to be done and to bring the case to trial, and they don't need to be expedited. What needs to be expedited is going after the terrorists with business records.

Now, there is a provision in the motion to recommit that says that the Constitution has to be followed. We don't need to put things in the statute book that says the Constitution needs to be followed. That's the supreme law of the land. This is completely redundant. It is unnecessary. And, frankly, the Constitution has been followed in the Patriot Act, because there has been no finding of unconstitutionality of any of the 17 provisions. Where there was a preliminary finding in the business records section, we amended the law and the plaintiffs dropped their suit. We fixed the problem, to the approval of the plaintiffs who filed this suit.

So we ought to get on with this. We're going to have these hearings. We are going to have the time to have these hearings. And all of the gentlemen on the other side of the aisle have my commitment now, as they did 9 years ago and as they did 5 and 6 years ago, that the hearings will be thorough, they will be comprehensive, and they will allow everybody to speak their piece.

Vote against this motion to recommit and pass the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. 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.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 186, nays 234, not voting 13, as follows:

[Roll No. 35]

YEAS—186

Ackerman	Carson (IN)	DeGette
Altmire	Castor (FL)	DeLauro
Andrews	Chandler	Deutch
Baca	Chu	Dicks
Baldwin	Cicilline	Dingell
Barrow	Clarke (MI)	Doggett
Bass (CA)	Clay	Donnelly (IN)
Becerra	Cleaver	Doyle
Berman	Clyburn	Edwards
Bishop (GA)	Cohen	Ellison
Bishop (NY)	Connolly (VA)	Engel
Blumenauer	Conyers	Eshoo
Boren	Cooper	Farr
Boswell	Costa	Fattah
Brady (PA)	Costello	Filner
Braley (IA)	Courtney	Frank (MA)
Brown (FL)	Critz	Fudge
Butterfield	Crowley	Garamendi
Capps	Cuellar	Gonzalez
Capuano	Cummings	Green, Al
Cardoza	Davis (CA)	Green, Gene
Carnahan	Davis (IL)	Grijalva
Carney	DeFazio	Gutierrez

Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wu
Yarmuth

NAYS—234

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—13

Berkley
Buchanan
Burton (IN)
Clarke (NY)
Culberson
Giffords
Harman
Payne
Rush
Smith (WA)
Tierney
Woolsey
Young (FL)

□ 1855

Mr. FARENTHOLD, Mrs. BIGGERT, and Messrs. COFFMAN of Colorado and JOHNSON of Illinois changed their vote from ''yea'' to ''nay.''

Messrs. ALTMIRE, JONES, HINCHEY, Ms. KAPTUR and Mr. CLEAVER changed their vote from ''nay'' to ''yea.''

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 passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 275, noes 144, not voting 14, as follows:

[Roll No. 36]

AYES—275

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schmidt
Schock
Schwartz
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoder
Young (IN)

NOES—144

Amash
Andrews
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Campbell
Capps
Capuano
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gibson
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heller
Himes
Hinchey
Hirono
Holt
Honda
Hultgren
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
Kingston
Kucinich
Labrador
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Mack
Maloney
Marchant
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
Meeks
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paul
Payne
Pelosi
Pingree (ME)
Polis

Price (NC)
Rangel
Rehberg
Richardson
Richmond
Roe (TN)
Rohrabacher
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schilling
Schrader
Schweikert
Scott (VA)
Serrano
Sherman
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woodall
Wu
Young (AK)

NOT VOTING—14

Bass (CA)
Berkley
Burton (IN)
Clarke (NY)
Culberson
Frank (MA)
Giffords
Harman
Johnson (GA)
Rush
Smith (WA)
Tierney
Woolsey
Young (FL)

□ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 59, answered ''present'' 3, not voting 19, as follows:

[Roll No. 37]

YEAS—352

Ackerman
Adams
Aderholt
Akin
Alexander
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pallone
Pascrell
Paul
Paulsen
Pearce
Pelosi
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner
Upton
Velázquez
Walberg
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (IN)

NAYS—59

Altmire
Baldwin
Boren
Brady (PA)
Burgess
Capuano
Clyburn
Cuellar
DeFazio
Dent
Donnelly (IN)
Filner
Fudge
Hanna
Harris
Hastings (FL)
Heller
Hinchey
Hoyer
Johnson (GA)
Keating
Kucinich
Lee (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lynch
McCarthy (NY)
McDermott
McGovern
Moore
Murphy (PA)
Napolitano
Olver
Owens
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Sires
Terry
Thompson (CA)
Thompson (MS)
Towns
Visclosky
Walden
Weiner
Wu
Young (AK)

ANSWERED ''PRESENT''—3

Amash
Foxx
Gohmert

NOT VOTING—19

Berg
Berkley
Burton (IN)
Clarke (NY)
Culberson
Doggett
Doyle
Giffords
Graves (GA)
Grijalva
Harman
Jordan
Meehan
Rush
Smith (WA)
Tierney
Van Hollen
Woolsey
Young (FL)

□ 1910

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1910

JOB CREATION AND ECONOMIC GROWTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. The 112th Congress has a mandate from the people to focus their legislative efforts on job creation and economic growth.

Career and technical education should be at the forefront of those efforts. Expanding and improving our Nation's career and technical education is one of the most important and effective ways for our communities to produce a well-educated and skilled workforce, ensure that students are career- and college-ready, and individuals have the necessary skills to remain competitive in a changing workforce.

This year, I was named cochairman of the Career and Technical Education Caucus along with Representative LANGEVIN of Rhode Island. In the 112th, our goals are to enhance awareness in Congress of the importance of career and technical education and advance policies that improve skilled labor education and support technical-related small business job growth.

CTE programs exist in every congressional district, and I encourage my colleagues to join the bipartisan Congressional Career and Technical Education Caucus. Together, we can improve America's competitiveness and help facilitate job opportunities for our constituents.

CUTS TO RESEARCH, DEVELOPMENT AND STEM EDUCATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I've come to the House this evening to talk about the deficit, but it's not our budgetary deficit, which is also a concern to many of us, but, rather, the deficit of vision that I see reflected in the CR that we will be voting on later this week. By that, I mean we have a CR before us this week that will do grave damage to our economic competitiveness while having a negligible impact on the Nation's budgetary situation.