We have had 101 votes in this House, and not one Republican proposal has created one single job. Now this spending measure threatens to make matters worse.

I urge my colleagues to oppose these shortsighted cuts.

ARMY DENTAL CORPS ANNIVERSARY

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

Mr. GOSAR. Mr. Speaker, I rise today to congratulate the Army Dental Corps as they celebrate their 100th year of service to our Nation. On March 3, 1911, the Congress of the United States recognized dentistry as a distinct profession by establishing a dental corps with commissioned officers.

As a long practicing dentist, I know that dental health is a critical component of overall health and military readiness. Therefore, I commend the Army Dental Corps' work to improve oral health for soldiers and their families.

I have the utmost respect for the thousands of dentists who have served in the dental corps throughout the century, providing excellent care to thousands, and I commend the Army Dental Corps' efforts to keep our troops healthy and our fighting force in the best possible shape throughout the world.

I WILL FIGHT FOR THE PEOPLE OF PUERTO RICO

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I am compelled to respond to remarks delivered yesterday on this floor by my colleague, the gentleman from Illinois, in which he harshly criticized the duly elected government of Puerto Rico and the island's chief Federal judge. The speech was inappropriate and insulting to the people of Puerto Rico. I hope such action will not be repeated, but if it is, make no mistake: I will return to the floor of this House again to defend my constituents and the government they chose in free elections from all unwarranted attacks. I will rise then in the same capacity that I rise now, as Puerto Rico's only elected Representative in Congress and the only Member of this Chamber who can make any claim to speak on behalf of the island's nearly 4 million American citizens. I will fight for my people because it is my privilege, my honor, and my duty to do so.

EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 93, I call up the bill (H.R. 514) to extend expiring provisions of the U.S.A. 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, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''FISA Sunsets Extension Act of 2011''.

SEC. 2. 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 ''May 27, 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 ''May 27, 2011''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Smith of Texas moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 93, the motion shall be debatable 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 gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include other materials on H.R. 514.

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

There was no objection.

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

Mr. Speaker, the Senate amendment to H.R. 514 extends the three expiring provisions of the Patriot Act for only 90 days. I am disappointed that the Senate refused to agree to the 10-month extension approved by the House earlier this week. Repeated short-term extensions of these authorities create uncertainty for our intelligence agencies. They don't know if the tools they rely on to keep America safe today will be available to them tomorrow. That is why the House sought a 10-month extension, to allow sufficient time to reauthorize the law while providing greater certainty to the intelligence community.

With adoption of this amendment, the House and Senate will now have to move expeditiously to approve a Patriot reauthorization bill so we can avoid the need for another short-term extension. It is important that the House approves this 90-day extension today to keep the expiring intelligence-gathering provisions in place.

In a recent letter to Congress, Director of National Intelligence Admiral Clapper and Attorney General Holder said that ''it is essential that these intelligence tools be reauthorized before they expire'' and they ''have been used in numerous highly sensitive intelligence collection operations.''

Last week, Homeland Security Secretary Janet Napolitano warned that ''the terrorist threat . . . is at its most heightened state since the 9/11 terrorist attacks.''

Just this week, the FBI announced that the probability that the U.S. will be attacked with a weapon of mass destruction at some point is 100 percent. The head of the FBI's WMD Directorate said that the type of attack that keeps him awake at night is an attack by a so-called ''lone wolf.''

With the likelihood of a weapons of mass destruction attack at 100 percent, we cannot afford to leave our intelligence officials without the tools they need to keep America safe. The war on terror is not over, but the terrorist threat is constantly evolving. We must fully arm our intelligence community with the resources they need to prevent another devastating and deadly terrorist attack.

Mr. Speaker, I urge my colleagues to support the Senate amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the motion to concur in the Senate amendment, which will have the effect of passing the extension of the expiring provisions of the U.S.A. PATRIOT Act and Intelligence Reform and Terrorism Prevention Act.

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

Mr. FRANK of Massachusetts. I thank the gentleman from Virginia for giving me the chance to go early. I particularly want to speak now because when we voted the second time on the Patriot Act, the first time I did vote against the extension, but the second time I missed the vote—my fault—but

I want to make clear my opposition not to an extension of the basis of self-defense that we have here but of passing it unchanged and of failure of the legislative process.

□ 0920

We knew this date was coming. To extend this now—and the gentleman from Texas laments the fact that we were unable to do it indefinitely without a chance to amend it. When the bill came up twice before, there was in neither case a chance to offer amendments. There isn't today; twice on suspension, once in a closed rule. To be presented with either/or on this is a bad idea. There are things that could be improved. There are areas where there are excesses.

We have gone through a lot of symbolic activity in the legislative process this year—the vote to repeal the health care bill, a vote reaffirming that we would do oversight, which we have been doing and which is our duty—time that could have been spent in committee, working on a process, offering people a chance to amend so we could—would not, for the third time, be confronted by the majority with up-or-down, an unchanged Patriot Act.

Of course we are supportive of continuing our ability to defend ourselves but not without some refinement, not without some look and say, yes, there are ways we could do this that are more respectful of the liberties of the average American but would not endanger in any way our national security. For the third time, we are being denied a chance to do this; and I, therefore, will join my colleagues in opposing this, not because we don't want to see any extension at all but because we want a chance to work on it so we can do an extension of much of this act but with some improvements.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Although the Senate has rejected the House version of the bill with a 1-year extension and has amended the bill to provide only a 90-day extension, which will provide us a more accelerated opportunity to actually deal with the issues involved, the reservations that I have previously stated on the floor remain the same. I still oppose any extension.

I cannot support this extension when the House has done nothing to consider these provisions of possible reform, even to hold a hearing or markup. While in the past, Members have had the opportunity to receive classified briefings, we have dozens of new Members, many on the Judiciary Committee, who have received no such briefings. The three sections scheduled to sunset are deeply 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'' so long as the government provided a ''statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence, international terrorism, or espionage investigation.'' That would include business records, library records, tax records, educational records, medical records, or anything else. Before the enactment of section 215, only specific types of records were subject to FISA orders, and the government had to show ''specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power.''

This dragnet approach allows the government to review personal records even if there is no reason to believe that the individual involved had anything to do with terrorism. This poses a threat to individual rights in the most sensitive areas of our lives with little restraint on government. Congress should either ensure that the things collected with this power have a meaningful connection to suspected terrorism activity or allow the provision to expire.

Section 206 provides for roving wiretaps which permit the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Without the necessity to specify the person and the facility to be tapped, you have a situation where the tap could be on a particular phone. And without specifically designating the person to be listened into, that means anybody using that pay phone, for example, can be listened into, or a roving wiretap on a person could result in any phone that that person might use being tapped, even if others use that phone, too.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called ''lone wolf provision,'' permits secret intelligence of non-U.S. persons who are known to be not affiliated with any foreign government or organization. It provides the government with the ability to use secret courts or other investigatory tools that are acceptable in a domestic criminal investigation as long as we are dealing with a foreign government or an entity. According to government testimony, the lone wolf provision has never been used. Given the risk of this provision being used to circumvent existing protections against government intrusion, the government should explain why it should remain on the books. Surveillance of an individual who is not working with a foreign government or foreign organization is not what we usually understand as foreign intelligence. There may be good reason for government to keep tabs on such people, but that is no reason to suspend all our laws under the pretext that it is a foreign intelligence operation.

While some have argued that these authorities remain necessary tools to fight against terrorism and that they must be extended without modification, others have counseled careful review and modification. Some have even urged that we allow some of those provisions to sunset; and if they are needed, they can be reinstated. I believe that we should not miss the opportunity to review the act in its entirety and examine how it is working, where it has been successful, where it has failed, where it has gone too far, or where it may need improvement. That's the purpose of sunsets; and to extend it without review undermines that purpose.

There are other authorities that deserve careful review. The gentleman from New York (Mr. NADLER) has introduced the National Security Letters Reform Act which would make vital improvements to the current law to better protect civil liberties while ensuring that those letters 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 authority in those letters is too great for the Congress to ignore.

It is encouraging that there was significant bipartisan opposition last week to the extension of the Patriot Act. It shows a healthy skepticism of unrestrained government power to spy on people in the United States. We need to restore our traditional respect for the right of every individual to be secure from unchecked government intrusion, and I hope that we will be able, after this vote, to carefully examine the ways these provisions have been used or abused and to look at ways to reform the law in light of that experience. That's the purpose of sunsets, and I hope we can take advantage of that opportunity.

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

Mr. SMITH of Texas. Mr. Speaker, we are prepared to close; so I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I want to thank the Senate for recognizing that we do have a problem, and they recognized it by extending the time frame only for 60 days and not for 1 year. With that in mind, however, it's important to note that we are still with the same initiative that has not been subjected to the opportunity for Members of this Congress to, in fact, review closely the idea of the infringement of some of these aspects or some of these provisions as it relates to the infringement that they may have on the constitutional rights of our citizens.

Yesterday in a markup, I offered an amendment to affirm that the legislation that we were marking up dealing with tort reform has at least a confirmation that we wanted to respect the Constitution and adhere to the due process rights. And I am glad that the

Democratic Members who were there and present voted ''yes,'' and all the Republicans voted ''no.'' I think adhering to the Constitution and ensuring that constitutional provisions are respected is an important concept. In this instance, we have not had the chance for a full hearing. And I am very glad to note, Mr. Speaker, that in the 111th Congress, we did; but unfortunately, even the amendments that were passed in that Congress, bipartisan amendments, were not in this initiative that was passed by the House.

I offered amendments to ensure that any surveillance under section 215, where library records could be in question, if you read certain books. And librarians across America were appalled at that intrusion. 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.

As we voted on bipartisan amendments last year in the 111th Congress, as I indicated, they were not included in this rendition of the 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. As a member of the Homeland Security Committee, I, as well, am very, very convinced that we do need to secure our homeland; but human intelligence is a very large part of that. Intruding into the rights of Americans should be done with the care that it deserves.

□ 0930

In the markup I also personally introduced amendments that would allow for greater transparency in the Patriot Act and enhanced protection against violation of individuals' civil liberties. None of those amendments as introduced by any of my colleagues at that time have been included in this legislation.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlewoman an additional minute.

Ms. JACKSON LEE of Texas. None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I'm 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. Therefore, I would argue that this is an improvement in terms of how fast we'll have to move, but it still has the same faults. And I simply say that the Fourth Amendment does say that it is the right of people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures.

Mr. Speaker, I ask my colleagues to vote against this and begin our work as quickly as we can. But even with this provision passing, as I expect it will, we need to move quickly to protect the American people, both in terms of homeland security and their constitutional right of privacy.

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 a foul 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-US 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 mentions, 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 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. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 90-day extension in this bill is significantly more appropriate than the 10-month extension that the House has previously passed. If the bill is passed, I look forward to working with the leadership on the Judiciary Committee. The Judiciary Committee in the past has been able to work constructively on this issue. In fact, when the Patriot Act was originally reported out of the Judiciary Committee, it was reported on a unanimous vote. That is very unusual. The Judiciary Committee is usually one of the more contentious committees in the entire Congress. But we can work together, and I look forward to working with the leadership of the committee as we deal with the possible extension of many of these provisions.

I hope we will oppose the extension.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Crime and Terrorism Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I will be brief today. I will just make several points but not extensively because this is the fifth debate we've had on this subject in 10 days and I think everything has been said.

First of all, I have pledged in the past and I will pledge again today on this House floor that there will be hearings on a reauthorization of the expiring provisions of the Patriot Act, as well as an oversight hearing on the Patriot Act as a whole.

The three provisions that are up for reauthorization are important provisions to keep America safe, and I want to dispel some of the misinformation that has again been placed in the RECORD on the floor of the House today.

First of all, section 215, which is the business records provision, has more strict standards for the issuance of a FISA warrant than the issuance of a Grand Jury subpoena in a criminal record. And only business records can be obtained. That means that it is not subject to the Fourth Amendment because it's not a search and seizure under the Fourth Amendment.

The reauthorization in 2005, which I authored, provided procedures for recipients of section 215 warrants to seek judicial review of those orders compelling the production of business records. So people can have their day in court to have the warrant quashed.

With respect to roving wiretaps, they're nothing new. We have had roving wiretaps for decades over criminal investigations such as racketeering and drug pushing.

A roving wiretap order can only be issued by a judge. The law enforcement agency must minimize roving wiretaps, which means that if the target isn't on the phone at the time or they're not talking about something under investigation, then the wiretap has got to be turned off. And that provides for protections, and that has never been challenged for its constitutionality since it was put in the Patriot Act in 2001.

Finally, the lone wolf definition is very important because in order to trigger Patriot Act surveillance or applications for Patriot Act surveillance without the lone wolf, there has to be a demonstration that the target is a member of a group like al Qaeda. And the way al Qaeda has kind of sprung out or people who said that they're al Qaeda when they really might not be al Qaeda, lone wolf becomes absolutely vital.

It's important to note that the lone wolf authority cannot be used against a U.S. citizen or a legal permanent resident. It could be used against an alien who is present in the United States on a nonpermanent basis, meaning either a visa or as a visa overstay.

All of this has gone through constitutional scrutiny. It has passed muster. I will give everybody a chance to speak their peace on the Patriot Act. Believe me, these commitments have been made both myself and by the committee chairman, the gentleman from Texas (Mr. SMITH). We're going to do it. We're going to get it done. But we need to have the extra time that was given to us by the Senate. So the motion that has been made by the gentleman from Texas (Mr. SMITH) is a good motion, an essential motion, and it should be favored.

Mr. ROGERS of Michigan. Mr. Speaker, I rise in support of the Senate amendment, and I yield myself such time as I may consume.

We've already had a lengthy debate on this legislation. There is bipartisan consensus that these important tools for our Intelligence Community cannot be allowed to lapse. The Senate amendment, which was also supported by a wide bipartisan margin in the other body, will keep these three needed priorities in place for the next 90 days, till May 27.

While I have strong concerns about the short-term extension and how that will compress the time needed to have a full and complete debate over the longer-term reauthorization, I will support the Senate amendment in order to make sure that these tools remain available.

As I said earlier this week in this debate, it makes very little sense to me why we would not have the tools like roving wiretap authority and authority to obtain business records in terrorism and spy cases when the same tools are readily available in criminal cases, often with fewer protections for civil liberties.

Mr. Speaker, I have said before I think this is one of the most misrepresented and misunderstood pieces of legislation I think I've ever seen. The things that exist in the ability for an FBI agent to conduct in criminal activities, including business records, including roving wiretaps, are just being extended to the FISA court, or the Foreign Intelligence Surveillance Act court, to go against terrorism and espionage. That's the only difference here. It has been an important tool to keep America safe the last 10 years.

I look forward to a thoughtful debate outside of the political rhetoric about what people believe this act to do and what it really does do to keep Americans safe. And if you believe that an FBI agent should be able to get a subpoena for business records to solve a crime, then clearly you believe that the same FBI agent should go to a FISA court to get a court order, which is a higher standard, for business records to prevent a terrorist attack. That's the only difference in these two, I think, misunderstood provisions.

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

□ 0940

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

I rise to address the Senate amendment to H.R. 514, which would reauthorize three expiring provisions of the Patriot Act for an additional 90 days.

Mr. Speaker, my position today remains the same as it was 3 days ago when we passed H.R. 514. As I said then, I would like to see a 3-year extension of these authorities until 2013, similar to S. 289, which is currently pending in the Senate.

The President supports a 3-year extension, too, believing, as I do, that a 3-year term would give our Nation's intelligence and law enforcement agencies predictability and certainty in the conduct of their critical work.

Setting a 3-year sunset would also take this debate out of the political realm of an election season, which I think is the best way to approach things. This should be a matter of what is best for America, without regard to electoral politics.

I know that there are varying opinions on my side of the aisle, and principled members feel strongly in both directions. That is why I support reauthorization with a sunset, so we can take a second look at the authorities in 3 years to make sure they are being used properly and individual civil liberties are being protected—a critical consideration as we move forward.

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.

I don't think anyone in this Chamber is happy with the position we are in now. Some of us wanted a 3-year reauthorization, some wanted a 10-month reauthorization, and some wanted no reauthorization. And now, here we are with 90 days, which ensures we will be back here having this debate soon.

I hope that we can use the next 90 days to hear from all sides on how we can improve the Patriot Act, and I hope that we can all decide to set the sunsets in the future in such a way to minimize the impact of politics so we can focus on getting the policy right.

I yield back the balance of my time.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 93, the previous question is ordered.

The question is on the motion by the gentleman from Texas (Mr. SMITH).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 143, not voting 11, as follows:

[Roll No. 66]

YEAS—279

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
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
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
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
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Lynch
Manzullo
Marino
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
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—143

Amash
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Campbell
Capps
Capuano
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Conyers
Costello
Crowley
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Heller
Himes
Hinchey
Holt
Hultgren
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
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
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schilling
Schrader
Schweikert
Scott (VA)
Scott, David
Serrano
Sherman
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woodall
Woolsey
Wu

NOT VOTING—11

Clay
Costa
Giffords
Hinojosa
Hirono
Honda
Langevin
Lummis
Matheson
Wittman
Young (AK)

□ 1010

Messrs. HOLT, HULTGREN, and GUTIERREZ changed their vote from ''yea'' to ''nay.''

Messrs. ALEXANDER, CARNEY, HARPER, RYAN of Wisconsin, WHITFIELD, and Mrs. BACHMANN changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. LUMMIS. Mr. Speaker, on rollcall No. 66, I was at a constituent meeting. Had I been present, I would have voted ''aye.''

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 66, had I been present, I would have voted ''yes.''

Mr. COSTA. Mr. Speaker, on rollcall No. 66, had I been present, I would have voted ''aye.''

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint committee on Taxation:

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

The Senator from North Dakota (Mr. CONRAD).

The Senator from Utah (Mr. HATCH).

The Senator from Iowa (Mr. GRASSLEY).

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1010

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. BASS of New Hampshire (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 68 printed in the CONGRESSIONAL RECORD offered by the gentleman from Colorado (Mr. POLIS) had been disposed of and the bill had been read through page 359, line 22.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 85 by Mr. POMPEO of Kansas.

Amendment No. 176 by Mr. WALBERG of Michigan.

Amendment No. 249 by Mr. CANSECO of Texas.

Amendment No. 381 by Mr. REED of New York.

Amendment No. 565 by Mr. BASS of New Hampshire.

Amendment No. 457 by Mr. FLAKE of Arizona.

Amendment No. 276 by Mrs. MCMORRIS RODGERS of Washington.

Amendment No. 532 by Mr. YOUNG of Alaska.

Amendment No. 410 by Mr. PRICE of Georgia.

Amendment No. 100 by Mr. WEINER of New York.

Amendment No. 248 by Mr. CANSECO of Texas.

Amendment No. 29 by Mr. HELLER of Nevada.

Amendment No. 43 by Mr. SESSIONS of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 85 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 256, not voting 6, as follows:

[Roll No. 67]

AYES—171

Adams
Akin
Amash
Austria
Bachmann
Bachus
Bartlett
Benishek
Berg
Bilbray
Bishop (UT)
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costello
Cuellar
Culberson
Denham
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Labrador
Lamborn
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Paul
Paulsen
Pearce
Pence
Peters
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Renacci
Ribble
Rivera
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Upton
Walberg
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—256

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Gallegly
Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
Kinzinger (IL)
Kissell
Kline
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney