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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SODREL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

November 8, 2005.

I hereby appoint the Honorable MICHAEL E. SODREL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

CITIZEN PRIVACY

Mr. DEFAZIO. Mr. Speaker, the Sunday Washington Post had an extraordinary story as a result of investigative journalism. The FBI has issued 30,000 national security letters. Now, we will have to back up for a moment to understand what that means. Four years ago, this Congress was stampeded under the anthrax attack and 9/11 into passing a bill it had not read, the U.S.A. PATRIOT Act, which contained

many unconstitutional and dubious provisions, many bad ideas from past attorneys general, rejected by previous Congresses, passed in a hysterical time for the Congress.

Now it is about to be reauthorized, and, in fact, strengthened in many ways. This is one of the most disturbing aspects of that legislation. These national security letters used to be fairly rare. They used to issue about 300 a year. They are now issuing 30,000 a year, a 100-fold increase. This is an extraordinary intrusion into the personal lives of many Americans who are not accused of or even suspected of crimes.

As the Post reports, they are issued by FBI field supervisors, local law enforcement FBI agents, not from the national office, no judicial review, no review by the Justice Department, no review by the United States Congress, totally at the discretion of local field supervisors. In fact, the Bush Administration has defeated legislation and a lawsuit to require a public accounting, and they have offered no example, not one, 30,000 a year, and they do not have one example of a national security letter impeding a terrorist attack or actually apprehending a terrorist.

Well, they did apprehend a guy in Portland, Oregon and they did use national security letters. Unfortunately, he was innocent. They were wrong.

As far as we know, it has been used once to apprehend someone and now the government is at risk of paying substantial damages for that false arrest. We do not know of any successful uses. The Bush Administration is defending this. Now they are going to deposit all the information acquired in these massive sweeps of all citizens' credit card records, phone calls, e-mails, everything that relates to who they talk to, who they see, where they go, what they buy, and they are going to put it into government data banks.

But don't worry. Don't worry. They are going to share those private

records only with, they say, other Federal agencies, State, local, tribal governments, and appropriate private sector entities. Americans who have had their most intimate lives swept up because of a letter written by a local field supervisor, by the FBI, are now going to have all of that data placed into a data bank, which will be restricted to Federal, State, local, tribal governments and appropriate private sector entities. Maybe your next-door neighbor, too, if they are really nosey.

This is an extraordinary, unwarranted intrusion into the lives of Americans. They cannot even properly analyze and use the data they have. They had the threads of the terrorist attack between the CIA, the FBI and others, they knew a number of these people were in the country illegally, but they could not be bothered to go out and apprehend them or monitor them.

Now they are just gathering up data wholesale on the American people. They are going to share it with other Federal agencies, put it in a private data bank, share it with other forms of government, share it with Native American tribes, for some reason, and appropriate private sector entities. Who are the appropriate private sector entities? Those who could make money off it? I don't know. This is an unbelievable intrusion into personal lives.

If you get one of these letters, and you are in a position to give away someone else's data, if you administer a database for your company or for a credit card company or for a library or a bookstore and you get one of these letters, the new PATRIOT Act is going to say if you tell anybody that you got one of these letters, and you provided indiscriminately massive amounts of data on innocent Americans, you would be a felon if you had told anybody that you had gotten such a letter and you had violated their privacy in that way.

Then, of course, again, the data will be then taken, put into a database, and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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