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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever faithful and Almighty God, be with the people of London as again they surround victims of terrorist attacks and their families.

We in America call upon You, the God of all consolation, so that we in turn may offer consolation to all those who grieve and are thrown into a pool of confusion and fear.

You alone, Lord, can touch the conscience of the terrorist and the ''would-be'' terrorist. Enlighten their minds to see the blazing evil of self-destruction and change their hearts, that they may know within themselves the contradictions against Your law of life and love.

May the tensions of our times and the common vulnerability felt by so many become the occasion for people all over the world to unite in a solidarity that renews human hearts and justice, peace, and compassion.

In recent days, Members of Congress have been writing expressions of sympathy and promises of prayer in a commemorative book to be sent to London. Today, Lord, we are moved beyond words and offer saddened hearts to You as prayerful sacrifice for our brothers and sisters.

Be with us and be with them, that we may respond rightly now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. CONAWAY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONAWAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

DEMOCRATS SHOULD CARE MORE ABOUT POLICY THAN POLITICS

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

Mr. PITTS. Mr. Speaker, let me read my colleagues something that a Member of this Chamber told the press recently. She said, ''It is essential for us to take down their numbers; to take down their numbers on Social Security; and to take down their numbers on credibility. If you're the contender, if you're the challenger, you are not going to go up against the leader at full strength. You have to take them down first and then you have to move out in a positive way. I feel very confident about the fact that we've taken down their brand.''

I do not know about my colleagues, but in challenging times like these, I want leaders who care more about ideas and progress than partisan party politics and spin and negative attacks.

DELTA AIRLINES' TROUBLES REMINDS US OF NEED TO PRESERVE SOCIAL SECURITY

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

Mr. EMANUEL. Mr. Speaker, here we go again. Today's Wall Street Journal reports that Delta Airlines executives have warned that the airline's current turnaround plan may be futile and that avoiding chapter 11 will soon be impossible.

In other words, we may soon add Delta to the list of bankrupt airlines and Delta's employees to the list of those whose pension plans are now going to be bailed out by the taxpayers at PBGC.

That should serve as a stark reminder of what is at stake in this debate about the future of Social Security.

Delta Airlines' news is yet another example of America's retirement insecurity. Now we should go ask those Delta employees what they think of Social Security.

For airline employees, steel industry employees, and probably the future of auto industry employees, Social Security is the linchpin to their retirement.

It may come as a shock to some in this Chamber, but the American people like the security that comes with Social Security. They reject the idea of doing to Social Security what is now happening to their private retirement plans. And, most of all, they reject the privatization of one of the most successful programs in the Nation's history.

Mr. Speaker, this debate is about more than the solvency of Social Security; it is about the financial security of every American.

CAFTA: AN IMPORTANT TOOL IN THE LONG-TERM SOLUTION TO ILLEGAL IMMIGRATION

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

Mr. CONAWAY. Mr. Speaker, passing the Central American Free Trade Agreement will not necessitate any changes in U.S. immigration law or U.S. visa policy. Congressional power

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over immigration policy will go unchanged when this important trade agreement takes effect.

However, CAFTA will help prevent illegal immigration in the long run by improving economic conditions in the Central American countries. By stimulating their economy and creating jobs, the tide of illegal immigrants from these nations will decrease.

Most individuals and families who come to the United States legally and illegally are simply seeking economic opportunity. The best long-term solution to illegal immigration can be achieved by encouraging economic freedom, as well as sustained growth, and the creation of sufficient opportunities and securities in their respective homelands.

I support CAFTA because it will create new economic opportunities domestically and internationally by eliminating tariffs, opening markets, permitting transparency, and establishing state-of-the-art rules for 21st-century commerce. By supporting and passing trade agreements such as CAFTA, the United States allows for greater economic incentives and opportunities in other countries. In turn, we will reduce the number of immigrants attempting to enter the United States illegally.

CAFTA is a trade agreement providing great opportunities for all nations involved.

TIME TO FUND PUBLIC TRANSIT SECURITY FUNDING

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

Mr. MENENDEZ. Mr. Speaker, this morning, another set of apparently coordinated attacks took place on the London subway and bus system. So, once again, our thoughts and prayers are with the people of London, and our minds should be riveted back here in the United States: Madrid should have been our wake-up call; the bombings in London should have been our reminder.

How much longer must we wait for this Congress to act to secure the over 14 million Americans who use a public transit system every day to get to work? What are the consequences in the loss of lives and the economic ripple effect upon an attack on such a system?

And instead of acting on a wake-up call, the Congress seems to be hitting the snooze button. In fact, we seem to be moving backwards. Just last week, the Senate voted to cut transit security funding by one-third. How many warnings do we need before we take action? And who among us will be satisfied to say, well, we did not act fast enough, when someone we know, some constituent, some family member dies in a transit attack?

INCREASING PATIENT SAFETY

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

Mr. MURPHY. Mr. Speaker, last week new data was released in Pennsylvania which found more than 11,000 patients acquired infections that resulted in 1,500 deaths and $2 billion in additional charges. These are new numbers for only one State and are almost half of the previous estimate for infection costs nationwide where tens of thousands of deaths and tens of billions of dollars are spent on infections and errors.

When staff are encouraged to immediately report safety concerns, it saves lives and money. For example, at Allegheny General Hospital in Pittsburgh, when staff were encouraged to bring attention to medical staff errors, it resulted in a 90 percent decrease in infections and half a million dollars in savings annually just in intensive care units.

Congress owes it to the American people to improve the quality of health care in this country. The Patient Safety and Quality Improvement Act, of which I am a cosponsor, will increase legal protections for providers who disclose errors and a step in the right direction towards achieving this goal.

I would urge my colleagues to visit my Web site at Murphy.house.gov to learn more about improving errors and improving patient safety.

BREACH OF NATIONAL SECURITY

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, our government has the solemn responsibility to protect our Nation from terrorism, as today, again, we pray for the people of London.

Our ability to do that was undermined, quite frankly, 2 years ago when the identity of one of our CIA agents whose work helps keep weapons of mass destruction out of the hands of terrorists was exposed.

This breach of our national security was not really an accident. This agent's name was leaked in an act that an unnamed administration official described as revenge, political retribution against her husband for having dared to point out that the administration had knowingly distorted the evidence of Iraq's weapons of mass destruction.

It is now clear that President Bush's close adviser, Karl Rove, was involved in this breach of our Nation's security, and he should go. If the administration wants to have any credibility at all when they say that they want to protect the American people, then they should fire Karl Rove and anyone else who was involved in compromising our national security for petty political gain.

DREDGING OF SABINE-NECHES RIVERWAY CRITICAL FOR COMMERCE AND MILITARY

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

Mr. POE. Mr. Speaker, the Sabine-Neches Riverway between Texas and Louisiana is the main shipping channel for two Texas ports in Beaumont and Port Arthur. These are energy ports and military displacement ports.

One-third of the military cargo going to and from Iraq and Afghanistan goes through this channel. The port of Beaumont has already loaded or unloaded more pieces of military cargo than any other commercial port in the United States. The port also is lined with numerous petrochemical plants and refineries. Shipments of oil, jet fuel, and liquified natural gas enter the United States through this channel. Eleven percent of the Nation's gasoline goes through this port.

But there is a problem. The Corps of Engineers does not have enough money to keep the channel dredged, so silt is creeping into the channel, ships are now having to travel the riverway without being fully loaded or they will drag bottom. To keep from dragging bottom, ships are now being loaded with one foot less amount of energy or fuel. One foot difference costs Americans $30 million a year in gasoline prices, or 3 cents a gallon more.

The channel must be dredged or our energy situation will suffer and the consumer will pay more for gasoline. The channel must be dredged for strategic reasons so that we can get our troops the military equipment they deserve.

Congress just authorized $23 billion of foreign aid. Maybe the Sabine-Neches Riverway Authority needs to apply for this foreign aid to get the more than $13 million it needs to maintain this American channel. Mr. Speaker, this ought not to be.

HEALTH CARE EQUALITY AND ACCOUNTABILITY ACT

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, this morning I would like to announce that the Democratic Tri-Caucus on Health Care is going to be convening a meeting in Chicago, Illinois. This is the Hispanic Caucus, the Black Caucus, and the Asian Caucus of the Democratic Party that will be meeting to talk about health care access.

Principally, we will be discussing a piece of legislation that we are going to be reintroducing known as the Health Care Equality and Accountability Act. It will expand health care coverage through Medicaid and the State Health Insurance Children's Program. It will remove language and cultural barriers. It will improve workforce diversity by allowing for different

community folks from our districts to be a part of the health care profession. It will also improve funded programs to help reduce health care disparities such as chronic illnesses, asthma, diabetes, and obesity.

It will improve data collection in our respective communities with respect to race, ethnicity, and language and promote accountability through the Office of Civil Rights and the Office of Minority Health at the Department of Health and Human Services. Lastly, it would help to strengthen health care institutions that serve minority populations.

We look forward to visiting our friends in Chicago, Illinois.

DEMOCRATS' TRACK RECORD: RAISE TAXES

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

Mr. DOOLITTLE. Mr. Speaker, the inevitable insolvency of Social Security is not a new problem. Since the program began in 1935, the number of workers per retiree has slipped from 40 to just three today. And unless Congress acts, the system will be completely bankrupt by the year 2041.

□ 1015

In light of these facts Republicans have put forth a variety of proposals to make Social Security remain solvent for future generations. But up to this point, Democrats have chosen to oppose our good faith efforts and insist that indeed there is no problem. The minority party's only solution to saving Social Security is the same solution they have applied to this problem for the past 68 years, to raise your taxes. On 50 separate occasions when faced with critical decisions to shore up Social Security, Democrats have resorted to either raising the payroll tax rate or the minimum taxable wage. It is clear their tax hikes have done nothing more than mask Social Security's inadequacies and postpone real and lasting solutions.

KARL ROVE

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, today Karl Rove continues to walk around the White House with the highest of security clearances. What does that say to our covert CIA agents risking their lives around the world? When Karl Rove became a top level White House employee, he took an oath to abide by the guidelines included in a briefing book called the Standard Form 3112. This form says, and I am quoting, ''Before confirming the accuracy of what appears in the public source, the signer of SF 312 must confirm, through an authorized official, that the information has, in fact, been declassified. If it has not, confirmation of its accuracy is also an unauthorized disclosure.''

Rove signed this form promising to abide by the rules. Clearly, he broke these rules when he told Reporter Matthew Cooper that Joseph Wilson's wife worked for the CIA.

Furthermore, he also broke the rule when he confirmed this same information for reporter Robert Novak. It is outrageous that Rove continues to have access to top secret information.

RU–486 KILLS WOMEN

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

Mr. SMITH of New Jersey. Mr. Speaker, the FDA issued a stern warning on Tuesday about the dangers to women from RU–486, the abortion drug the Clinton administration aggressively pushed through approval without proving its safety. Not only is RU–486 baby pesticide, killing unborn children up to 7 weeks, it is poison to the women themselves. Licensed by the Population Council, manufactured in the PRC, and widely disbursed by Planned Parenthood, at least five women have died in the U.S. after taking this dangerous drug. As a result of these women's deaths and serious concerns that many more women have died as well—underreporting is a serious problem—new drug labeling will warn women that serious danger of sepsis and blood infection can occur.

Because RU–486 was rushed to approval by the Clinton administration using the expedited FDA subpart H process, which is supposed to be used for HIV/AIDS and other life-threatening diseases, numerous safety concerns were suppressed, trivialized and overlooked. The Clinton FDA approval process was a gross sham. The approval of RU–486 is a scandal that is today killing women. The FDA must pull this dangerous drug and Congress must pass Holly's Law.

TAX REFORM

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

Mr. BURGESS. Mr. Speaker, maybe we can cool things off by talking about a little tax reform. What if we had a tax reform proposal that would immediately eliminate the marriage penalty, repeal the death tax, abolish the punitive alternative minimum tax, eliminate capital gains taxes and allow for immediate expensing for business and capital equipment?

Well, in fact we have such reform. In case you missed it yesterday, in the Washington Times Steve Forbes talks about Americans deserve a flat tax, and believes that the stage is set for fundamental tax reform via the vehicle known as the flat tax. Now, fortunately Members of this body do not have to wait. They can cosponsor H.R. 1040 introduced last March that would provide for a flat tax which is voluntary to be available to the American people as soon as it is signed into law. It is basically a measure of trusting the American people and giving them a choice to opt into a voluntary pro growth system. It does encourage investment and savings for the first time in a long time in this country. I think it is reasonable to provide another option to the American people.

Mr. Forbes concludes his article yesterday saying America has a great future. The flat tax will help us achieve it. I believe it is time to trust the American people and allow that to happen.

HOMELAND SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is appropriate this morning, now, 2 weeks to the date, that we again offer our sympathy to the people of England and particularly the City of London. Today we will rise to the floor to again discuss and debate ways of securing this land. But I feel that as Americans we know each other. We understand rhetoric versus action. It saddens me to stand here and to acknowledge that Democrats over the last years and myself as a member of the Homeland Security Committee have joined those leaders of this issue, that we have asked repeatedly for actual resources to ensure the Nation's railroads and light rail systems and bus systems, the very systems that our tourists who come to this capital of the United States utilize every single day. And time after time after time after time we have been rebuked, rejected and ignored by the Republican majority when it comes to giving resources to protecting the Nation's rail system. Yet we can give high taxes, but we cannot protect those who need to be protected. We need to do something and we need to do it now.

HONORING ARKANSAS' PARENTS OF THE YEAR

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

Mr. BOOZMAN. Mr. Speaker, this Sunday is Parents Day, an annual day commemorating the contribution parents make to our society. Parents Day provides an opportunity to recognize and promote parenting as a central vocation for our families and communities.

In 1994 Congress passed a resolution establishing the fourth Sunday of every July as Parents Day. According to the resolution, Parents Day is established for recognizing, uplifting and supporting the role of parents and rearing of children.

And in that vein I would like to recognize one truly special set of parents,

Mike and Becky Kneeland of Van Buren, Arkansas. They will be receiving Arkansas' Parents of the Year Award this Sunday, and I am honored to be able to recognize them on the House floor today.

Mr. Speaker, I ask my colleagues to please join me in congratulating the Kneelands and all the other wonderful parents across the country. Their efforts and sacrifices are molding the future of this Nation, and parents like the Kneelands are setting a wonderful example for all of us.

PATRIOT ACT

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise to speak out today on the leadership's abuse of power on the PATRIOT Act. We bring the PATRIOT Act to the floor today under a closed process. Many amendments, good solid bipartisan amendments, were denied. I offered two amendments with broad support. They were denied.

The first created a strengthened civil liberties board called for by the 9/11 Commission. This board would protect our constitutional freedoms. The second, the Right to Read Act, would protect library patrons from arbitrary searches. It would bring the judiciary into the equation to protect our freedoms.

I believe that we can bring terrorists to justice and still protect our constitutional freedoms, but we will not do it under this process today. This process of not allowing debate on an amendment is deeply flawed. It runs roughshod over our rights. The leadership should be ashamed.

PATRIOT ACT

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

Mr. KELLER. Mr. Speaker, reauthorizing the PATRIOT Act today is literally a matter of life or death because it is helping us to win the war on terrorism. Since we passed the PATRIOT Act in 2001 we have convicted 212 terrorists and $136 million in terrorist assets have been frozen. Passing the PATRIOT Act is purely a matter of common sense.

Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers?

Is it not common sense that we can share data between the intelligence community and law enforcement now?

Is it not common sense that we track deadly terrorists even though they cross jurisdictional lines or switch cell phones?

The worst thing that the critics can say about the PATRIOT Act is that supposedly law abiding citizens will have their bookstore and library habits monitored. That is a totally bogus allegation. You must go before a Federal judge, get a court order and prove that it is a matter of international terrorism. How many times has that happened since we passed the PATRIOT Act? Exactly zero, according to our Attorney General.

I urge my colleagues to vote ''yes'' on the PATRIOT Act.

ELECTION REFORM

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I just completed a panel discussion with Harper's Weekly about what happened in Ohio in election reform, and I just want to bring to the attention of the American public once again the need for this House to pass legislation that will provide for electoral reform, no excuse absentee balloting, holiday voting so that people can get to the ballot box and vote, an assurance that the head of a company who is involved in the process of computer machines will not have the ability to be the cochair of the campaign of someone running for office, the assurance that the Secretary of State cannot be Secretary of State and then have the responsibility of being a cochair of a campaign.

Elections are so important in our country. We go across the world trying to assure democracy and freedom across the world. We need to make sure that we assure that every vote counts in the United States of America. I ask my colleagues to join me in signing on to the Count Every Vote legislation as well as supporting the same legislation in the U.S. Senate authored by Senator HILLARY RODHAM CLINTON.

MEDICARE PART D

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

Mr. GINGREY. Mr. Speaker, I rise today in strong support of Medicare Part D, the new prescription drug benefit Congress passed as part of the Medicare Modernization Act of 2003.

Mr. Speaker, if our seniors cannot afford their medications their health is going to suffer. That is why it is hugely important to provide our seniors with affordable drug coverage under Medicare, and CMS has projected savings of up to 75 percent off many drug prices for Medicare Part D enrollees.

Seniors can begin signing up for the Part D program on November 15. We hope to enroll 28 million seniors by May of 2006, making it the largest signup for a new program since the introduction of Medicare and Medicaid.

That is why we are going to need the help of our whole community local senior centers, commissions on aging, friends, families, pastors, volunteers and community leaders.

Mr. Speaker, I encourage anyone who wants to learn more about Medicare Part D, the prescription drug option, to call 1–800–MEDICARE or visit the Web site, www.medicare.gov. Our seniors deserve affordable prescription drugs and Part D will be a great benefit to their well-being.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 369 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours, with one hour and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 369 is a structured rule that provides 2 hours of general debate; 1 hour and 30 minutes is equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. It waives all points of order against consideration of the bill.

Further, it provides that in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part A of the Committee on Rules report shall be considered as the original bill for the purpose of amendment and shall be considered as read. It waives all points of order against the amendment in the nature of a substitute printed in part A of the Committee on Rules report.

It makes in order only those amendments printed in part B of the Committee on Rules report which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendments printed in part B of the Committee on Rules report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise this somber day in support of both House Resolution 369 and the underlying bill, H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. Mr. Speaker, I would first like to extend my condolences and prayers to the people of Britain who once again have fallen prey to terrorist bombs. I remain confident in not only the resolve of the British Government led by Tony Blair, but also the resolve of the British people to stand firm against these cowards.

As we consider our own measures against terrorism today, let us not forget our commitment to not only the protection of our homeland but also the protection of our allies. I would like to take this opportunity to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary and the author of H.R. 3199, and, of course, the ranking member, the gentleman from Michigan (Mr. CONYERS).

I would also like to thank the chairman of the Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA), and the ranking member, the gentlewoman from California (Ms. HARMAN), for their leadership on such an important piece of legislation.

After 4 years of thorough hearings and extensive oversight, H.R. 3199 represents a collaborative effort to fine-tune our law enforcement needs and to ensure the continuation of necessary protections created by the 2001 USA PATRIOT Act. Additionally, through its important oversight role, this Congress has also demonstrated a clear commitment to achieving the essential and proper balance between necessary protective measures and our cherished civil liberties.

Mr. Speaker, like most legislation considered before this House, H.R. 3199 is not perfect; and in an ideal world, it would not be necessary. However, today's world is sadly far from ideal and America faces a grave threat from a cowardly enemy that operates under the cover of shadows biding its time with the intent to kill innocent people in the name of an ideology of hate. These murdering terrorists lack any sense of decency. They have absolutely no respect for either human life or the rule of law.

Therefore, it is imperative that this Congress act decisively and deliberately to update and extend those statutes guaranteeing law enforcement has every tool it needs to combat these terrorists and bring them to justice.

When Congress first enacted the USA PATRIOT Act in 2001, it did so of course in response to the attacks of 9/11. Congress included in this legislation many sunset provisions to ensure an opportunity to review and address the effectiveness of these additional law enforcement capabilities after their enactment. Having performed these necessary reviews with substantial bipartisan involvement and testimony, both the Committee on the Judiciary and the Permanent Select Committee on Intelligence have produced a bill today that will strengthen our ability to fight the war on terrorism here at home.

Since the events of 9/11, our American law enforcement and intelligence operations, along with our international partners, have identified and disrupted over 150 terrorist threats and cells with the help of the tools provided by the USA PATRIOT Act. Additionally, H.R. 3199 reflects a continued need of law enforcement to respond to an ever-changing technological landscape.

Mr. Speaker, terrorists are not relying on courier pigeons and rotary telephones to coordinate their acts of destruction. While cellular telephones and the Internet make our everyday lives simpler, they also provide terrorists with new opportunities to move quickly among the shadows while still communicating with their counterparts. Therefore, H.R. 3199 will make sure law enforcement and intelligence authorities still have the ability to track terrorists through the use of multipoint or roving wire taps that follow the terrorists rather than the telephone.

Additionally, H.R. 3199 will allow the law enforcement, intelligence, and national defense community to communicate and coordinate among each other to protect the American people and our national security. Unnecessary barriers should never be allowed to compromise American safety. For the most part, the USA PATRIOT Act did not create any new law enforcement capabilities, but rather extended techniques that we were using against mobsters and drug dealers to terrorists. If law enforcement can use these tools to catch some street-corner dope pusher, then it should be allowed to use these tools against suspected terrorists.

Mr. Speaker, I must also say that I have heard from many people back home in the 11th District of Georgia who express some concerns about this legislation. While they want our law enforcement to have the tools they need, they remain cautious, even dubious of additional government power.

To that point I recently received a letter from David Nahmias. Mr. Nahmias is a United States Attorney for the Northern District of Georgia. With respect to the USA PATRIOT Act he wrote: ''From my perspective as a prosecutor on the front lines of the fight against terrorism, it is difficult to overstate how important the USA PATRIOT Act has been to the government's ability to preserve and protect our Nation's liberty in the face of continuing terrorist threats.''

His Deputy U.S. Attorney is my good friend, Jim Martin. With over 25 years' experience as a Federal prosecutor, he also assured me in a private conversation of the success of and the need to preserve the PATRIOT Act.

Mr. Nahmias goes on to write how the provisions from this act aided in recovering a 13-year-old girl who had been lured and held captive by a man she met online.

Mr. Speaker, like many of my colleagues, including the distinguished chairman of the Committee on the Judiciary, I am also concerned and in all honesty extremely hesitant to grant additional powers to the government. However, I believe that we in this Congress will continue to remain vigilant, continue to execute necessary and thorough oversight so that our constitutionally protected civil liberties will never be jeopardized or diminished in the fight to stop terrorism and to protect the American people.

That said, I would like to emphasize that since its enactment, there have been zero, and let me repeat zero,

verified instances of civil liberty abuses under the USA PATRIOT Act found by the Inspector General of the Justice Department. And I firmly hope as we move forward with H.R. 3199 and we continue to operate under the PATRIOT Act that that statistic will remain intact.

Mr. Speaker, I would again like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER); the gentleman from Michigan (Mr. CONYERS), the ranking member; the gentleman from Michigan (Chairman HOEKSTRA); and the ranking member, the gentlewoman from California (Ms. HARMAN), all for their dedicated work and commitment to both the liberties of the American people and the needs of law enforcement and the intelligence community. Their efforts on this crucial issue are laudable, indeed, heroic, and they are to be commended.

I remain confident that this Congress will continue to stay on top of our security needs and continue to work for a stronger, freer America.

I want to encourage all of my colleagues to support this rule and the underlying bill for the sake of a secure Nation and the safety of the American people.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, permit me first to say this morning that our thoughts and prayers are with our friends in London who today are coping with what seems to be a second terrorist attack in 2 weeks. Thankfully, the causalities appear to be minimal. And my colleagues and I in this House offer our most sincere hope that no one in London will have to suffer this pain again associated with the abominable actions taken 2 weeks ago and unsuccessfully attempted again today.

I would like to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Mr. Speaker, I rise today in defense of nothing less than our national security, but national security is not just about protecting our borders. It is also about protecting our freedoms.

All of my colleagues understand that the PATRIOT Act has provided the law enforcement agencies with many valuable tools which facilitate their work in the struggle against terrorism. But with these new tools comes a very real danger that the liberty we seek to protect could be easily compromised in the overzealous pursuit of greater security. This struggle strikes at the heart of the debate over the legislation before us today. And while the restrictive rule we are debating this morning has allowed us to improve the PATRIOT Act in several important ways, the leadership has chosen to prohibit open debate in consideration of the most sensitive, controversial, and important issues that surround this bill.

□ 1045

I would also add that today we are considering the 32nd rule this year that has either been closed or severely restricted. It is ironic that on consideration of a bill which seeks to protect our freedoms, our freedom to debate and amend the legislation has been strictly curtailed, as is too often the case in this body.

Mr. Speaker, when the PATRIOT Act was passed in 2001, 16 provisions were set to expire in 5 years because some of them could possibly be used to violate the very freedoms our young men and women in uniform too often die to protect. These provisions provide the executive branch of this government with unprecedented powers of search, seizure and surveillance, too often without the due process we are guaranteed under our Constitution.

By party line votes, the Republicans on the Committee on Rules at the direction of the leadership refused to allow consideration of critical amendments that address these issues, and there are four particular issues I want to discuss this morning, reforms which Democrats believe are critical.

First, we are not considering a provision to allow people who are not terrorists to challenge the government when the FBI wants to sift through their personal information, including their private medical records. But we should be.

Second is the fact that the important work of the Permanent Select Committee on Intelligence was cast aside by the House leadership. The version of the bill voted out of the committee on a near unanimous vote in that committee included a provision which allowed for a sunset review of the Lone Wolf provision of this bill, which was not included in the final version.

We are also not considering an amendment that would properly restrict the government's ability to come into your home when you are not there and execute a warrant, and even remove property without notifying you until later, if at all, an officially sanctioned breaking and entering if you will. Now, that remains perfectly legal under this bill because the Republican leadership would not allow the amendments to change it.

But perhaps most importantly, we are not even allowed to consider an amendment that would require Congress to do its job and fulfill our responsibility to the American people by going back and taking a look at these laws every few years because the leadership decided that none of them can be considered today by the Congress, even though they deal with the most sensitive and important security and civil liberty issues we face in this country today.

The chairman of the Committee on the Judiciary stated last night in the Committee on Rules that sunset review is not necessary in the future because he and his staff are providing all the oversight needed of the Justice Department, the FBI, and the PATRIOT Act. With all due respect to the esteemed chairman, I do not think that is enough of a safeguard for the American people to accept in this case. After all, we will not have the benefit of his leadership and wisdom forever, and this Congress has a duty to consider and provide for the future. Our ability to ensure the proper oversight and protection of liberty must be larger in scope than the career or judgment of a single individual.

Also, agencies have proven to be more responsive to congressional oversight when a sunset review is looming on the horizon. The chairman has even acknowledged that the Justice Department has been uncooperative in his attempts to conduct the appropriate reviews and oversight of the bill thus far.

We have evidence which suggests, in contrast to information coming out of the Justice Department, that many of these measures have resulted in the violation of the civil liberties of American citizens. In addition, we understand that some of the extended search and seizure powers used by the law enforcement are apparently not being used for their intended purpose, which is strictly to fight terrorism, and that is unacceptable.

Whether this information is true or not, the fact remains that an honest discrepancy exists, and that is reason enough to ensure proper congressional oversight and why we should include sunset provisions in the bill. The Republicans support sunset review for the EPA, it is in the President's 2006 budget, but not for the PATRIOT Act. The idea of these measures was always that they would be temporary, and yet they are seeking to make them last forever.

Mr. Speaker, forever is an awful long time. We would do well to remember that they were passed into law in the frantic weeks after September 11, hastily, without our understanding of their potential impact or benefit, and that is why we created a sunset review in the first place and why we need a sunset review as long as these incredible powers are in place.

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

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

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Georgia has 20 minutes remaining.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if this rule is adopted, the House of Representatives will consider the extension of the USA PATRIOT Act. The ultimate fate of this legislation will determine how effective we will be in investigating the

clandestine activities of terrorist organizations and in preventing catastrophic events in the future.

There is, Mr. Speaker, no greater or more solemn responsibility that we have as representatives of the American people. And, frankly, I have been astonished at the characterization of the bill and the record of the Justice Department. As a member of the committee and the subcommittee of jurisdiction, the Subcommittee on Crime of the Committee on the Judiciary, I have spent countless hours going over the records, including looking at top secret reports that are lodged with this Congress, and I will state for the record I can find no evidence of a violation of civil liberties. And I would suggest any Member who comes to the floor be very careful about suggesting that there are, without evidence.

That is a criticism of our Department of Justice, that is a criticism of our investigative agencies and our intelligence agencies that is not borne out by the record. I think we should make that very clear, particularly today when we have another instance, presumably, in London, of what we are facing. This is serious business, and allegations that are easily thrust in this body, in my judgment, are irresponsible.

I authored the amendment in the Committee on the Judiciary to require two sunsets of the two most controversial provisions in this bill, but I did not do that based on any suggestion there is any record of a violation of civil liberties. I did that because, it seems to me, it was an indication to the public from us that we would consider doing effective oversight, which we have done.

Some have suggested in 1-minutes this morning that there is something wrong with the process here. I do not understand that. Now, I have been absent for 16 years, but I can recall how things were done 20 years ago. In the Committee on the Judiciary, with respect to this bill, the bill was available on a Friday. We marked it up on a Wednesday. I can recall being a member of that committee when I was in the minority when we received the bill on the midnight before we were supposed to consider things. This is hardly a wrong or improper process.

Mr. Speaker, we considered over 50 amendments in the Committee on the Judiciary. We on the majority side were willing to stay there for several more days. It was the minority who made the motion to call the previous question and withdrew consideration of more amendments on their side. This is a structured bill that has something on the order of 20 amendments available, covering many of the issues that people are concerned about. I would hardly suggest that we are moving with undue dispatch here or that somehow we are not considering this in proper order.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I rise in opposition to this rule, but before I speak on the rule itself, let me say to our friends in Great Britain, one of our strongest allies in the fight against terrorism, we are with you. We empathize with the pain that has been visited upon you once again. We are in this fight against terrorists together.

Everybody on this floor views themselves and acts as a patriot on behalf of America, its values, and its people. All 435 Members of this House. They will see things differently as we consider this bill, but they are all 100 percent committed to defeating terrorism, to ferreting out terrorists, to getting them off our streets, out of our country and incarcerated, as they should be. Make no mistake about the commonality of that commitment. I know that the Members of this House on both sides of the aisle are united in that commitment.

Today, on this House floor the American people will see no division in our willingness to do what is necessary to fight terrorism. What they will see today, however, Mr. Speaker, is an abuse of power by the Republican majority, which has deliberately and purposefully chosen to stifle a full debate on this critical legislation.

I voted for the PATRIOT Act. I think we need to reauthorize the sections involved, but we ought to look at them carefully. A Republican rule that has been offered today is nothing less, and I use my words carefully, than a craven failure of our congressional oversight responsibility on legislation that involves the government's power to intrude on the lives of Americans. We must protect Americans, we must confront terrorists, but we must also ensure our constitutional values.

Every single year, Mr. Speaker, this Congress reauthorizes the Department of Defense programs. This reauthorization process allows us to assess, reexamine, and to recalibrate our defense policies to changing circumstances. Today, however, we are being asked to give up that oversight responsibility and permanently authorize many sections of this bill.

Now, let me make it clear to the public that the overwhelming majority of the PATRIOT Act is in law right now and will not be affected by this legislation. Sixteen sections only are the subject of this legislation. We are being asked to extend two provisions, particularly one that involves roving wiretaps, and the other dealing with the FBI's power to demand business records for 10 years.

Democrats have suggested we ought to sunset these provisions. Why are you afraid to have a vote on the floor of the House of Representatives on that provision? Why are you fearful? Why do you fear the democratic process? I do not know.

The Sanders amendment. You failed to offer that, yet 238 Members of this House, just days ago, voted for that provision. Why are you afraid to have another vote on the floor? Are you afraid you cannot get your Members to change their minds? Are you afraid of the democratic process in this, the people's House? Do you undermine that democracy which we confront terrorists for doing?

My friends, this rule is not consistent with the open democratic process in adopting one of the most important bills that we will consider. I agree with the gentleman from California. That is why I voted for the PATRIOT Act, to give law enforcement the capability and assurance we could confront and catch terrorists and protect Americans in our country, but we should have come with a better rule. It is lamentable that we did not.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, about 9 or 10 months ago, a constituent of mine approached me back home and he said, Howard, we have got to get rid of this PATRIOT Act. I said, give me one example of how the PATRIOT Act has adversely affected you. He said, well, I cannot do that. I said, give me an example of how the PATRIOT Act has adversely affected anyone known to you. He said, well, I cannot do it. I said, you are not helping me.

I am afraid, Mr. Speaker, that this is how the PATRIOT Act has been portrayed: Accusations of compromising our freedoms, but virtually no hard facts or evidence to support these accusations. And at the conclusion of our conversation, my constituent said to me, well, I guess maybe I have heard wrong information. I said, well, if you cannot come forward with anything other than just rank hearsay that is unsupported, I am going to have to embrace your conclusion.

The Subcommittee on Crime, Terrorism and Homeland Security hosted nine public hearings. The full House Committee on the Judiciary, furthermore, hosted three public hearings. Now, this is one dozen public hearings, Mr. Speaker, where the PATRIOT Act was the beneficiary or the target of an exhaustive, deliberate examination, in detail.

□ 1100

Are we thoroughly and completely safe today? No. Are we safer today than we were prior to 9/11? Unquestionably.

One of those reasons, Mr. Speaker, in my opinion, is the presence of the PATRIOT Act. The PATRIOT Act has indeed broadened the parameters through which and under which law enforcement and public safety officers are allowed to work.

Compromising freedoms? No evidence of it. The hearings indicated no abuse on the part of the Federal Government, the U.S. Government, to protect us. I have the fear that one of these days these evil people driven by fanaticism

will attack us again, but they have not since 9/11; and I think for that we should all be very thankful, and I think for that we should attribute some of that to the presence of the PATRIOT Act.

I urge the passage of this rule, Mr. Speaker. Again I thank the gentleman from Georgia for having yielded time to me.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in opposition to this restrictive rule, and I rise in opposition to the underlying bill. Protecting our homeland from another terrorist attack is among the most important priorities we face. We must support our law enforcement officials by providing them with the proper resources and modern technologies to combat terrorism. There is a delicate balance that must be maintained between security and liberty. I believe that this bill sacrifices too much of our liberty.

I know there is a lot of anguish in the House today about this bill. This morning's incidents on the London subway only serve to heighten that anxiety. But democracy takes courage, Mr. Speaker. It takes the courage not to abandon our most deeply held principles. It takes the courage not to subject our citizens to unwarranted intrusions into their privacy. It takes the courage to say to the terrorists, You will not succeed in changing our way of life.

Mr. Speaker, I hear all the time from all types of people that 9/11 has changed everything. I hope not, Mr. Speaker. I hope that those terrible attacks have not served to undermine our Constitution, to weaken our respect for civil liberties, to chip away at the values that not only make this country unique but also make us a beacon of hope for the rest of the world. While the government should be provided with the necessary resources to protect the homeland, it should not be given a free pass to threaten and abuse the rights and liberties of our own citizens. Safeguards are key, and Congress in its vital function of oversight is one of government's most important safeguards.

Many of the provisions in the PATRIOT Act were sunsetted back in 2001 so that Congress could evaluate and fix them if necessary. These time limits on certain provisions serve as critical checks on the executive branch. They serve as a reminder that Congress is paying attention and that if the new powers are abused, they will not be renewed. We know from our own history that abuses of law enforcement powers are all too common. We must remember the wiretaps and secret surveillance on leaders in the civil rights and antiwar movements, and we must vow to never let those abuses happen again.

Some of the powers granted to the executive branch in this bill are simply too broad: secret surveillance of library and bookstore records; roving wiretaps; sneak-and-peek searches; and overly broad subpoena power. However, I realize there is little chance of removing the majority of these dangerous provisions from this bill. At the very least, I urge my colleagues to fulfill their responsibilities and vote to sunset all of these provisions again for a short period of time.

Further, since the PATRIOT Act was adopted, Congress has received far too little information about its uses. How can we make these provisions permanent when the Department of Justice, FBI, and other government agencies will not report to Congress or the American people how these provisions are being implemented?

Mr. Speaker, privacy is not a convenient luxury. It is a fundamental right. We need a bill that achieves the appropriate balance between liberty and security, a bill that combats terrorism vigilantly, but that is also consistent with the rights and liberties provided in the Constitution of the United States. In my opinion, this bill is not it. I fear that if this bill becomes law, a part of our tree of liberty will die.

I urge my colleagues to oppose this restrictive rule, and I urge my colleagues to oppose the legislation.

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

In reference to a comment made a little bit earlier, not by the previous speaker but by the distinguished minority whip concerning his concern over the fact that the Sanders amendment was not made in order, I want to point out the bipartisan amendment by the gentleman from California (Mr. SCHIFF) and the gentleman from Arizona (Mr. FLAKE), that is amendment No. 59 that was made in order and that will be debated later on this afternoon, stating that the director of the FBI must personally approve any library or bookstore request for records by the FBI under section 215.

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

Mrs. CAPITO. Mr. Speaker, I thank my colleague on the Rules Committee for yielding me this time, and I would like to say this is a good debate not only that we are having right now but that we will have throughout the day on a very important act, that being the USA PATRIOT Act. I rise today in support of the rule and the underlying legislation.

The USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 provides America with the necessary tools to protect our homeland from terrorist threats while maintaining our cherished freedoms. I would like to say in discussion on what occurred in the Rules Committee, the minority asked that we extend the debate on the PATRIOT Act to 2 hours, and we are going to be seeing that later this afternoon. I think the PATRIOT Act is debated every day in the Halls not only of Congress but workplaces, certainly law enforcement officers; and I think all of us are trying to strike that balance between protecting personal liberties and protecting the homeland. Times have changed.

In this bill that we are about to consider, we will be considering an amendment that I am putting forth. The amendment that I wish to address is extremely timely today, unfortunately, for those living in Great Britain in that it will reform the wrecking trains statute of 1940 to impose greater penalties for those who seek to terrorize individuals on mass transportation, particularly trains. We are seeing this morning the news out of London that another attack has been orchestrated, although I did not see the details of exactly who and what is accountable for that. But it sends shivers down the spine, I think, of every American knowing the pain and suffering that is going on in London as we speak.

It is important in this amendment that I am going to be offering to realize that current legal practices are not punitive enough to be any kind of a deterrent to anybody who is considering a massive or a large attack on trains or mass transportation. So I think we can agree that more stringent penalties would be in order.

I support this rule, I support the debate that we are going to see going forth, and I support the reauthorization of the PATRIOT Act.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee.

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

Ms. MATSUI. Mr. Speaker, the PATRIOT Act was passed in October 2001 in response to the horrendous terrorist attacks on our country. Its aim was to give the women and men of our law enforcement community the authority and tools needed to prevent future attacks and save and secure the lives of American citizens.

There is no question, Mr. Speaker, that many of the provisions of the PATRIOT Act have been useful to law enforcement and have helped to prevent terrorist attacks and secure our Nation. But we must also be vigilantly aware that some of the provisions of the PATRIOT Act have the potential to be abused and violate the civil liberties of innocent American citizens, the same citizens it is meant to protect. Congress understood this when it passed the PATRIOT Act and required that 16 provisions of the act be made to sunset, forcing us to revisit them.

I am very proud to be standing here today with the opportunity to debate the fine balance that must be struck between security and civil liberties. The acts of September 11 were not the

only events in our history where our Nation's leaders were asked to strike this balance. During World War II, under the banner of security, the civil liberties of 120,000 Japanese Americans vanished. I clearly know how deeply this affected my parents, both American citizens born and raised in this country.

Mr. Speaker, once again we are in a time of crisis. I implore all of us to proceed with caution. It is this type of bill, one that affects the most cherished rights we have as Americans, that requires constant and vigilant oversight by Congress. That is our duty. The surest way to ensure this oversight is to place sunsets on those provisions of the legislation that can be abused. Unfortunately, this bill places sunsets on only two of the original 16 provisions, making the rest permanent.

I also have concern about what this measure does not address, the ability to secure library records and allow sneak-and-peek searches. These provisions are wrought with great potential for abuse. Mr. Speaker, the civil liberties of the American people are too important and the potential for abuse too great for us not to place sunsets on all of the 16 provisions. Like our Constitution, our liberties are a symbol of America. The freedoms in our country are known throughout the world. What we do today sends a message throughout the world. We here in this body have a sacred responsibility to protect what our Nation stands for. We are certainly responsible for the safety of this Nation, but we are also certainly responsible for shaping the laws that determine what it means to be an American.

Mr. Speaker, all of us agree that we must do all we can to secure and protect the United States, but we must also be mindful of those rights and privileges upon which this great Nation was founded.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the underlying legislation, the USA PATRIOT Act. I want to thank and congratulate my colleague from Georgia for his fine management of this very important rule. We obviously are at a critical juncture in our Nation's history. September 11 changed the world for all of us here, and it changed the rest of the world. Obviously, what happened 2 weeks ago today in London made a big change for them and what is going on at this moment in London brought about a big change for them. We have made a commitment that, because of the fact that we are in the midst of a global war on terror, we need to do everything within our power to redouble our efforts to ensure that we win that global war on terror.

We passed the PATRIOT Act, Mr. Speaker, 6 weeks after September 11 of 2001. At that time, I was very insistent on the need for sunset provisions. In fact, I remember going at it with our former colleague, now the Director of Central Intelligence, Porter Goss. He was not a strong proponent of sunset provisions at that time. And I said: we are so close to the tragic day of September 11 that it is absolutely essential that we ensure that we are doing the right thing with this legislation. And we are obviously passing it under the immediate shadow of September 11, and so it seems to me that it is the right thing for us to do to sunset the provisions here.

□ 1115

We have gone through this nearly 5-year period, and we have looked for the issue that my colleague the gentlewoman from Sacramento (Ms. MATSUI) raised as the number one priority concern, the civil liberties of the American people.

I consider myself a small ''l'' libertarian Republican. I am very, very committed to the civil liberties of all the American people, and I believe, just as my colleagues have said, that that is at the core of what the United States of America is all about. I believe passionately that protecting our homeland and protecting civil liberties are not mutually exclusive.

The PATRIOT Act that we have before us is a very responsible measure. We do have sunset provisions remaining intact for two very important provisions after 10 years. Some argue that is too long, but we have those maintained. But we have to realize that if we are going to deal with this challenge, uncertainty is something that people in law enforcement cannot live with.

If we had seen failure, if we had seen violations of civil liberties, then I believe that making modifications would be appropriate, but we continue to have report after report saying there are no instances of civil liberties being violated.

Let me make a statement about this rule. This is obviously a very delicate issue. We had 47 amendments that were submitted to us in the Committee on Rules, and I am very proud of the fact that we were able to work with our colleagues addressing concerns that they raised.

The primary committee of jurisdiction here is the Committee on the Judiciary. We all know that. The Permanent Select Committee on Intelligence shares very important jurisdiction as well, and I understand that. I know there was concern that was raised last night in the Committee on Rules on the so-called ''Lone Wolf amendment'' that was addressed, a desire to have it sunsetted by the gentleman from Florida (Mr. HASTINGS). The Committee on Rules chose to comply with the request of the primary committee of jurisdiction, the Committee on the Judiciary, on this issue.

But now having looked at this rule with 47 amendments, nearly half of the amendments that were submitted to us, 11 of the amendments that are made in order under this rule are either amendments offered by Democrats or offered by Democrats and Republicans, bipartisan amendments, and 10 of the amendments that are made in order are offered by Republicans. So I believe that we have got a good balance on a very important critical issue that must be addressed.

I believe that the PATRIOT Act itself is actually looking out for America, it is not looking after Americans. That is something that we need to realize as part of the very important goal here. I believe this measure will go a long way towards protecting our homeland and ensuring the civil liberties of every single American.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, as many have said, we are all watching events unfold in London this morning, hoping that this is not another gruesome act of terrorism. If they can strike twice in the heart of London, a city on high alert, then just think what they might try to do in any city in America. That is why we need tough tools here at home to uncover terror cells and disrupt their plans.

The PATRIOT Act modernizes law enforcement's tools to uncover those plots. Most of the act is not objectionable, but it is far from perfect, and there are several key provisions that allow the government to engage in unnecessarily broad searches and surveillance of innocent Americans. That is why I strongly believe we should mend it, not end it.

The Permanent Select Committee on Intelligence tried to mend it, but the Committee on Rules did not make any of our amendments in order. Nine of us offered responsible, common-sense amendments:

To establish the traditional FISA standard for search warrants and trap and trace/pen register authorities, to ensure that the government cannot seize your personal records unless they are related to a foreign power;

To tighten the ability of the FBI to conduct roving wiretaps, to ensure that only terror suspects and their enablers, not innocent Americans, are wiretapped;

To re-sunset the key provisions in the act in another 4 years to assure accountability and effective congressional oversight, and specifically to sunset the Lone Wolf provision, enacted only 8 months ago, in 2010;

Finally, to prohibit the FBI from using the broad FISA powers to get

bookstore or library documentary records, a provision which passed this House last month on a strong bipartisan vote.

Mr. Speaker, the Hastings amendment to sunset the Lone Wolf provision was accepted by the chairman of our committee, the gentleman from Michigan (Mr. HOEKSTRA). He accepted the amendment and it passed on a bipartisan vote. The gentleman from Florida (Mr. HASTINGS) is a valued member of the Committee on Rules, but his own committee stripped out his amendment in the base bill and did not even allow him to offer it on the floor.

This is about intelligence. The Committee on Rules should not be able to block the will of Democrats and Republicans on the Permanent Select Committee on Intelligence to improve the PATRIOT Act.

Mr. Speaker, this rule undermines the will of the House and blocks us from mending and improving critical tools in this era of terror.

Mr. GINGREY. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who will speak about one of the bipartisan amendments made in order under this rule.

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

Mr. Speaker, I just want to say that I am often critical of this process and have been known to be critical of the Committee on Rules on particular bills that have come through, but I have to say with this process and with the committee on which I sit, the Committee on the Judiciary, we have seen a very transparent, open process. We have had a series of 12 hearings over the past year, and we had a markup that went over 12 hours in which we considered more than 50 amendments, I believe, there.

I was successful, with a few of my Democrat colleagues, in attaching a few amendments at that time. I believe there are four that have my name on it that have been approved for today. A few of them have to do with Section 215.

Mr. Speaker, I am not unsympathetic to the concerns that the gentleman from Vermont (Mr. SANDERS) has. I in fact voted for his amendment on the floor the other day with regard to 215 and library and bookstore searches and sales. I believe that we have addressed it sufficiently in this bill in the amendments that will be offered.

We will offer an amendment later, myself and the gentleman from California (Mr. SCHIFF), that will require the Director of the FBI to actually sign off on any request for documents from a bookstore or library. That will help substantially.

We also have another amendment to 215 we did in committee that clarifies it to make sure you can consult your lawyer, not just to respond to the order, but to challenge it as well. We have various other amendments that have been approved today, national security letters on the so-called delayed notification that have already been approved.

I look forward to this process. I hope my colleagues will support this rule. I know it is a tough job the Committee on Rules has. I have worked, frankly, with a lot more Democrats than I have with Republicans on this issue over the past year. We formed the PATRIOT Act Reform Caucus, and a lot of us have worked very hard on these issues, and I am pleased to say that many of these amendments have been approved and will be offered today.

Mr. Speaker, I would encourage my colleagues to support the rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I appreciate the gentlewoman from New York yielding me time.

Mr. Speaker, I rise in opposition to this rule. Frederick Douglass once said, ''The life of a nation is secure only while the nation is honest, truthful and virtuous.''

I have heard a lot of comments the last few weeks from folks saying this bill is needed for the war on terrorism. The way they talk about it sounds like our Nation might fall to pieces without it.

As the ranking member on the Committee on Homeland Security and someone who has seen firsthand what our government is and is not doing to keep us safe at home, I am here to set the record straight. The bill today is about eliminating the sunsets of a handful of provisions in the PATRIOT Act and the 9/11 bill. Some of these provisions are untested and we do not know how helpful they are because the President has not provided information. Others, such as the library snooping provision, have never even been used, according to the administration. How good of a terrorism fighting tool is it if it has not been part of our war on terror yet?

I am disappointed that our colleagues on the other side of the aisle refused to allow an amendment offered to extend the sunsets for a few years. Extending them will allow the President to use them, but at the same time hold them accountable for their use. The sunsets are critical in keeping this administration honest and truthful in its efforts to protect our Nation.

Anyway, is the goal here today to protect Americans from terrorism at home? The attack on London 2 weeks ago was a wake-up call, yet the administration did not expand our own Nation's efforts to protect our transit system. The Nation lacks a transportation security plan for protecting its 30 million daily commuters. It was due in Congress 3 months ago. Today London was attacked again.

It is time for the administration to stop hitting the snooze button. Let us give transit security the attention it needs. Let us not confuse the bill today with the real efforts to protect our Nation against terrorism. If we ask Americans, they will prefer Congress to protect subways or buses.

Mr. Speaker, let us get it right. Let us protect Americans at home from real terrorist threats.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, in the entire realm of human history there exists periods of time when evil people bent on destroying good, wholesome, wonderful ways of life get enough power to try to do that and to create chaos and to literally try to send us into a dark age. It happens where books are burned and people live in squalor and fear, and it has happened where al Qaeda has gotten a stronghold. We cannot let that happen here.

Now, as a former judge and appellate judge, chief justice, I am very sensitive to the issues of due process, but we are in a war. Going back to the Civil War when Lincoln suspended the writ of habeas corpus, it is in the Constitution, ''The privilege of writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.'' He felt it did. We have not suspended writs of habeas corpus, even though we are in a war for our very existence.

Now, there has been oversight. There will be oversight, because many of us are deeply concerned about our safety and about our liberties.

So when the minority whip says, and he says he chooses his words carefully, and he says that this represents a craven, and I know I may look stupid, but I know what ''craven'' means, he says this represents a craven failure of our oversight responsibilities, then it tells me there might be a craven failure of his recognizing the oversight that we have conducted.

I have been there. There have been 11 hearings and 35 witnesses. We have delved deeply into this. Among Republicans, we have been deeply divided. We have taken each other on.

I wanted sunsets. We have got sunsets on the two most controversial provisions. We do not have to wait 10 years, even though that is what the sunset provision says. We can come back before then. But I am grateful, I am glad for the amendments we were able to inject on providing for an attorney and allowing for appeal under 215.

Anyway, the gentleman across the aisle says if this is approved, part of our tree of liberty will die. I think it is quite clear, if we do not approve this, American people will die. If you do not believe it, go look at the reports, as I have.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the head of the Progressive Caucus.

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to and utter disgust

with this bill. Just as a bad movie is often followed by an even worse sequel, so it is with the PATRIOT Act.

PATRIOT II does nothing to correct the major flaws in the original legislation. Basic civil liberties continues to be in jeopardy. The bill expands police powers, it continues to authorize invasive violations of our medical records, our library borrowing habits and other private affairs. PATRIOT II restricts freedom, instead of expanding it.

The irony is cruel, Mr. Speaker. In defense of freedom, we are undermining freedom. I believe many of my colleagues voted for the original PATRIOT Act because of the sunset provisions, because they were assured this was a temporary measure for extraordinary times.

□ 1130

Now, all but two of the sunsets have been stripped from the bill, and those two come only after 10 years. So now we know the truth: the PATRIOT Act was never intended as an emergency, post-9/11 action; as a matter of fact, it is not limited to terrorism. It appears now that its authors were always interested in a permanent clampdown on civil liberties.

This bill is constitutional graffiti, Mr. Speaker. Patriotism means affirming and celebrating the values that have made America strong for more than 2 centuries. Legislation that violates several constitutional amendments has no business calling itself the PATRIOT Act.

I urge my colleagues to oppose this restrictive rule and the overall bill.

Mr. GINGREY. Mr. Speaker, I am proud to yield 45 seconds to the gentleman from Florida (Mr. FEENEY), a member of the Committee on the Judiciary.

Mr. FEENEY. Mr. Speaker, I rise to support the rule. I will tell my colleagues that over the last 8 months, we have had between 12 and 13 hearings in the Committee on the Judiciary and some 35 witnesses over an extended period of time; and 50 members of the Committee on the Judiciary have had a chance to not just question those witnesses, but to go back in the secure intelligence records, which I have done, and review all the FISA reports and the other information that is very sensitive and an important part of our oversight.

We have considered some 50 different amendments as part of this extensive hearing process. Today we will be debating all day on the PATRIOT Act and into the evening. We will consider some 20 other proposed amendments.

The fact of the matter is, Congress has done a very diligent job balancing civil liberties during this time of great national threat. We watch and pray for our friends in Britain as we do this, but we do it only after serious and thoughtful consideration.

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

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in strong opposition to this rule and to the underlying legislation. I rise in opposition not just because an important amendment that I offered, along with the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL), the gentleman from New York (Mr. NADLER), the gentleman from New Mexico (Mr. UDALL), and the gentlewoman from California (Ms. ESHOO) was not accepted by the Committee on Rules, but because this very same amendment has already been passed on the floor of this House by a 51-vote margin just a few weeks ago.

On June 15, by a vote of 238–187, this body voted overwhelmingly for the exact same amendment which would stop the FBI and other government agencies from going into our libraries and book stores without probable cause. We voted on that by a 238–187 vote; and now, a few weeks later, this provision is not included in the bill, and the Republican leadership has refused to allow the Members to even vote on it.

This, my friends, is an outrageous abuse of power and denies the majority of Members here the right to put into the bill what they want. There is no excuse for that. If you wanted to speak against it, let it come up, argue against it. But it has passed once; it will likely pass again. But the Republican leadership has not allowed that issue to be debated.

This whole discussion about the USA PATRIOT Act deals with two issues. Number one, every Member of this body is pledged to do everything that he or she can to protect the American people from the horrendous scourge of terrorism, but some of us have more confidence in our law enforcement agencies and the American people than others do. We believe that we can fight terrorism and protect the American people without undermining the basic constitutional rights which make us a free country.

Let all of us remember that in the 1940s innocent Japanese Americans, without any pretext, were herded into internment camps. In the 1960s, a President of the United States had a file on him, President Kennedy, by the FBI. In the 1960s, Martin Luther King, Jr., who some of us consider to be one of the great heroes of the 20th century, was hounded and investigated by the FBI.

The issue today is how do we effectively fight terrorism, but do it in a way which protects the constitutional rights which make us a free country.

I urge a ''no'' vote on the rule.

Mr. GINGREY. Mr. Speaker, I would point out to the gentleman that since his amendment passed on June 15, Great Britain has been attacked twice, so circumstances have changed.

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

Mr. GINGREY. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, we understand what happened today. Tell me why you will not allow that amendment to come up for a vote, despite the fact that the majority of the Members support it.

Mr. GINGREY. Mr. Speaker, reclaiming my time, I continue to reserve the balance of my time for the purpose of closing.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I appreciate the leadership that we are getting on this.

This is a very difficult time for me because I have been a Republican all my life, and one of the things that I have fought for more than anything else is fairness. Do I always agree with one side or the other? Not always. My entire political career I have spent trying to just maintain balance.

The interesting thing that was brought up earlier in the debate, as I watched it from my office on this rule, was that the very thing that the PATRIOT Act is supposed to give to this country, that the proponents of it say gives to this country, is being denied on this floor today, and it is being denied because I think people are afraid to be exposed to the truth.

John Stuart Mill one time said, in certain occasions, there are people that are unfit for liberty. Let us not prove to ourselves because of temporary panic or momentary discouragement or in a fit of enthusiasm for an individual, we are suddenly unworthy of our Founding Fathers' efforts in order to provide liberty to the folks first, not from the government, but from our birthright.

So I am embarrassed to be on this side of the aisle from this aspect today. Certainly, I know that there are well-intended people on both sides, and I tried to work out a lot of things on both sides of this aisle on the PATRIOT Act. But I can tell my colleagues that with this rule and the lack of full and complete discussion, we have put a gag rule, the same gag rule that the FBI and the CIA and the NSA or any other government agent can put on the folks at the library or down at your local business and say, I want all of those records, but you are not allowed to use them.

So it is unfortunate that we have come to this. It is unfortunate that we have come to this time at this moment, because we have done so much and we have so many reasons to be proud. But this is a very embarrassing moment when we are afraid to confront the truth and the full and unabashed debate on a subject that is so dear to us as this deserves.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am going to ask for a ''no'' vote on the previous question so that I can amend the rule and allow

the House to consider the Sanders amendment that was rejected in the Committee on Rules last night on a straight party-line vote. I might also add that the extraordinarily important Otter amendment on the egregious sneak-and-peak law was voted down on a 9 to 4 vote last night.

This amendment would exclude booksellers and libraries from the scope of section 215 of the PATRIOT Act, which allows law enforcement to conduct broad searches of the records of bookstores and libraries without demonstrating probable cause, and it forbids libraries and bookstore owners from even telling their patrons that their records have been searched.

Mr. Speaker, an identical version of this amendment was passed in the House a month ago during consideration of the Science, State, Justice, and Commerce Appropriations bill. By a substantial vote of 238 to 187, the Members of this body expressed their support for the provisions of the Sanders amendment. It is clear that the PATRIOT Act's provisions on the search of library and bookstore records are overly broad and undermine our basic constitutional rights. For the sake of civil liberties and the privacy rights of our fellow citizens, this House needs to debate the Sanders amendment.

I want to emphasize that a ''no'' vote will not stop the House from considering the PATRIOT Act reauthorization bill, and it will not block any amendment made in order under this rule. But a ''yes'' vote will block the House from considering the Sanders amendment.

Please vote ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent to print the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

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

I rise again in support of this rule and in recognition of the importance of the underlying bill.

This debate has clearly demonstrated exactly what is at stake. This House has an opportunity to ensure that law enforcement has the ordinary, but necessary, tools to fight terrorism.

We cannot, Mr. Speaker, and will not return to a situation that binds the hands of our intelligence and law enforcement communities. We cannot and we will not allow an ever-adapting and determined enemy to gain the advantage because our law enforcement did not have the necessary tools.

The USA PATRIOT Act and Terrorism Prevention Reauthorization Act will allow us to continue to make inroads into terrorist cells and operations. The goal has been and will continue to be to prevent another attack.

In 2001, the House joined together in a bipartisan way to pass the USA PATRIOT Act with 357 for, 66 against. This House must come together again to pass H.R. 3199 and continue to fight against those who would seek to destroy us.

The legislative process for this bill has been both thorough and fair. Republicans, Democrats, Department of Justice, the ACLU, and various other organizations have been able to speak freely and openly during the development of this bill.

I believe, Mr. Speaker, the final product is solid and it will serve as an important framework to fight terrorism, protect civil liberties, and, ultimately, strengthen America.

I want to encourage my colleagues to support both the rule and the underlying bill.

Mr. CONYERS. Mr. Speaker, today, I rise in protest of Rules Committee's refusal to make the Sanders library amendment in order.

Just last month, this body passed an amendment that would have barred funds from being spent on the controversial 215 orders against libraries and bookstores. It simply would have protected the reading habits of our own citizens from government snooping.

It passed by a vote of 238–187. I cannot protest enough that we are not debating and voting on this amendment again.

Section 215 allows a secret court to issue secret orders to anyone to turn over anything. It need not even be directed at a suspected terrorist.

Mr. SANDERS and I introduced an amendment that would have exempted library and bookstore reading records from these secret orders. The FBI still would have been able to get a regular warrant for reading records. However, the administration doesn't even want to have to show any criminal activity before it starts digging into our reading records. It wants a free pass, and I will not willingly give it to them.

Consider this: the American Library Association has confirmed that the government, under some authority, has gone to a library, and asked for a list of everyone who checked out a book on Osama bin Laden. Clearly, in the wake of the September 11 attacks, many innocent people are checking out books on Osama bin Laden. And therefore, many innocent people had their right to privacy violated by our own government.

And there may be thousands more. We know that nearly 200 libraries have been contacted by local and Federal officers since 9/11. We must demand that they show some wrong doing on behalf of library patrons before they dive into their personal habits.

Let me also note that we tried to offer an amendment to increase the safety and security of our Nation's ports, rails, and mass transit systems by providing those segments of the transportation industry with the necessary tools and resources to reduce identified risks and vulnerabilities, but were shut down by the majority. The American people deserve these improvements, but the majority party will not even let us vote on the issue. In light of today's bombing incident in London, it is all the more objectionable that the majority would foreclose critical amendments for the Patriot Act reauthorization on the floor.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this restrictive rule.

I am disappointed that this rule is preventing many of us from even offering amendments that are very important to any discussion of the Patriot Act.

Yesterday I went to the Rules Committee seeking an opportunity to offer two amendments.

One that dealt with the Privacy and Civil Liberties Oversight Board that was created by the Intelligence Reform and Terrorism Prevention Act.

It was the third such time that I, in a bipartisan way with Congressmen SHAYS and TOM UDALL, that we have sought the opportunity to debate this issue, but each time the Committee has not made it in order.

I don't understand why this body refuses to even discuss this issue.

If our amendment was made in order, it would:

1. Give the Board subpoena power. Currently the board needs the permission of the Attorney General to issue a subpoena.
2. Create the Board as an independent agency in the executive branch. Currently the board is in the Executive Office of the President.
3. Require that all 5 members of the Board be confirmed by the Senate. Currently only the Chair and the Vice Chair will be confirmed.
4. Require that no more than 3 members can be from the same political party.
5. Set a term for Board members at 6 years. Currently members will serve at the pleasure of the President.
6. Create the chairman as a full-time member of the Board.
7. Restore the qualifications of Board members that were originally included in the Senate bill.
8. Restore reporting requirements to Congress.
9. Require each executive department or agency with law enforcement or antiterrorism functions—should designate a privacy and civil liberties officer.

The reason why we sought to offer this amendment is because the Civil Liberties board that we have right now does not have the teeth it needs to do its job. In fact, the board that we have right now has never even met and we are still waiting on confirmation of the Chair and the Vice Chair.

As we fight to prevent future terrorist attacks, we must also protect the rights we are fighting for.

The 9/11 Commission got it exactly right when they wrote:

> We must find ways of reconciling security with liberty, since the success of one helps protects the other. . . . If our liberties are curtailed, we lose the values we are struggling to defend.

This is why we need a robust board.

That is why this body at the very least should be allowed to have this discussion.

My other amendments dealt with humanitarian relief that we owe the victims of the attacks of September 11, 2001.

This amendment was also offered in a bipartisan manner with my colleague from New York, PETER KING.

Temporary relief for non-citizens, who were here legally or not, was included in the original Patriot Act.

I could think of no better time than now, during reauthorization of the act that gave many temporary relief, to make this relief permanent.

The Maloney/Peter King amendment, provides adjustment in immigration status to "an alien lawfully admitted for permanent residence" and a stay of removal to the surviving spouses and children of individuals who died in the terrorist attacks of September 11, 2001.

To receive this adjusted status, the individual must be either lawfully present or be deemed a beneficiary of the September 11th Victims Compensation Fund.

These families have already suffered once, suffering the loss of a loved-one in the attacks of 9/11, we should not prolong their suffering.

This body should have made this amendment in order. This body should be taking up the important issues that surround this bill.

Instead, we have a restrictive rule.

All we are requesting is an honest debate and unfortunately this rule does not provide this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to join many of my colleagues in strongly opposing the restrictive rule set forth on H.R. 3199, the "USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005." As you know, in light of the world we live in now, this is a very important piece of legislation. Having such a rule truly goes too far and limits the protections of the American people. There were many important and relevant amendments that were not ruled in order and I believe this could prove to be detrimental in the end. I must also express my dismay with the fact an amendment by my good friend, Mr. CONYERS, was not ruled in order. This amendment, which centers on rail and port security, should have been allowed in. Both rail and port security are areas we as a country need to focus more attention on particularly after what took place in London 2 weeks ago and apparently another incident has taken place this morning.

Let me take a moment to discuss an important amendment of mine that was not ruled in order. My amendment 141, dealing with racial profiling, would have required the Inspector General to appoint an official to produce a report to the House and Senate Judiciary Committees showing a statistical breakdown of the race, nationality, or ethnic background of the subject of orders issued by the Court under Section 107. Every day, across the country, people of color are the victims of racial profiling and law enforcement brutality. Skin color and national origin are seen by some law enforcement agents as a cause for suspicion and a reason to violate people's rights. As a matter of policy and law, this body must use this very clear opportunity to set the record straight with respect to exercising good faith law enforcement practices. This amendment would have made that sentiment a reality.

Before closing, I am pleased to see that my "Safe Haven" amendment was ruled in order. This amendment seeks to allow the attachment of property and the enforcement of a judgment against a judgment debtor that has engaged in planning or perpetrating any act of domestic or international terrorism under the "forfeiture clause" of 18 U.S.C. 981. The legislation, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current administration has sought to bar victims from satisfying judgments obtained against the Government of Iran, for example. The administration barred the Iran hostages that were held from 1979–1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist State exception to the Foreign Sovereign Immunity Act. While a Federal district court held Iran to be liable, the U.S. Government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

The text of the amendment previously referred to by Ms. SLAUGHTER is as follows:

At the end of the resolution add the following new sections:

"SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 20 in the report of the Committee on Rules if offered by Representative Sanders of Vermont or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

"SEC. 3. The amendment referred to in section 2 is as follows:

At the end of section 8 add the following new subsection:

(e) LIBRARY AND BOOKSELLER RECORDS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

"(g)(1) No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials (except for records of Internet use) that contain personally identifiable information concerning a patron of a bookseller or library.

"(2) Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

"(3) In this subsection:

"(A) The term 'bookseller' means any person or entity engaged in the sale, rental or delivery of books, journals, magazines or other similar forms of communication in print or digitally.

"(B) The term 'library' has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

"(C) The term 'patron' means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

"(D) The term 'documentary materials' means any document, tape, or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication.

"(E) The term 'personally identifiable information' includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.''.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 12, as follows:

[Roll No. 401]

YEAS—224

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

Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

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

NOT VOTING—12

Andrews
Brady (TX)
Brown (SC)
Crowley
Cubin
Gerlach
Hastings (FL)
Hinojosa
Hyde
Ortiz
Pascrell
Rogers (KY)

□ 1205

Mr. SCOTT of Georgia changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the resolution.

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

RECORDED VOTE

Mr. GINGREY. 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 224, noes 196, answered ''present'' 3, not voting 10, as follows:

[Roll No. 402]

AYES—224

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

NOES—196

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

ANSWERED ''PRESENT''—3

Otter
Paul
Rohrabacher

NOT VOTING—10

Andrews
Brown (SC)
Crowley
Cubin
Gutierrez
Hastings (FL)
Hinojosa
Hyde
Ortiz
Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1217

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on July 21, 2005. Had I been present I would have voted "no" on rollcalls 401 and 402.

PERSONAL EXPLANTION

Mr. ORTIZ. Mr. Speaker, I was unable to vote during the following rollcall votes. Had I been present I would have voted as indicated below. Rollcall vote No. 401—"no"; rollcall vote No. 402—"no."

GENERAL LEAVE

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

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

There was no objection.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 369 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3199.

The Chair designates the gentleman from Florida (Mr. PUTNAM) as chairman of the Committee of the Whole, and requests the gentleman from Oregon (Mr. WALDEN) to assume the chair temporarily.

□ 1220

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 consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, with Mr. WALDEN of Oregon (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

General debate shall not exceed 2 hours, with 1 hour and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes and the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong support of H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. Chairman, the attacks of September 11, 2001, tragically affirmed the urgency of updating America's laws to address the clear and present danger presented by international terrorism. On that day, foreign terrorists maliciously and without provocation attacked the United States, murdered thousands of our citizens, and destroyed symbols of our freedom in a failed effort to break the spirit and resolve of the American people.

We must also recall that these terrorists exploited historic divisions between America's law enforcement and intelligence communities that had limited the dissemination of vital and timely information and increased America's vulnerability to terrorist attack.

In the wake of the 9/11 atrocities, broad bipartisan majorities in both Houses of Congress passed the PATRIOT Act that lowered the wall that prohibited our law enforcement and intelligence communities from effectively sharing information, and to enhance investigatory tools necessary to assess, detect, and prevent future terrorist attacks. U.S. law enforcement and intelligence authorities have utilized the expanded information sharing provisions contained in the PATRIOT Act to gain critical knowledge of the attentions of foreign-based terrorists before they occur, while preempting gathering terrorist threats at home.

While the PATRIOT Act and other anti-terrorism initiatives have helped avert additional attacks on our soil, that threat has not receded. Exactly 2 weeks ago, innocent citizens in London were murdered in a series of ruthlessly coordinated attacks. Earlier today, it appears, the London subway system came under renewed attack. Last year, the Madrid bombings brought unprecedented terror to the people of Spain, and ongoing terrorist operations around the globe demonstrate the imperative for continued vigilance.

When the House Committee on the Judiciary reported the PATRIOT Act in October 2001, I pledged to rigorously examine its implementation and the conduct of the war against terrorism. In my words and in my actions as committee Chair, I have maintained this commitment and emphasized the importance of better protecting our citizenry from terrorist attack while, at the same time preserving the values and liberties that distinguish us as Americans. The legislation we consider today reflects this careful balance.

H.R. 3199 is based upon 4 years of comprehensive bipartisan oversight consisting of hearing testimony, Inspector General reports, briefings, and oversight letters. Since April of this year alone, the committee has received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. This extensive hearing and oversight record has demonstrated that the PATRIOT Act has been an effective tool against terrorists and other criminals. Of no less importance, and notwithstanding the vague and general suspicion expressed by some of its detractors, the record shows that there is no evidence whatsoever that the PATRIOT Act has been abused to violate Americans' civil liberties. None whatsoever.

To further allay concerns expressed by some, this bill makes important revisions to section 215 of the PATRIOT Act, which pertains to business records obtained through the Foreign Intelligence Surveillance Act, or FISA. I would note that section 215 is probably the most misunderstood and deliberately misrepresented provision of the PATRIOT Act. H.R. 3199 clarifies that the information likely to be obtained through a FISA warrant must relate to foreign intelligence information not concerning a U.S. person, or must be information pertaining to an ongoing international terrorism investigation or clandestine intelligence activities. The legislation also explicitly clarifies that a section 215 order will issue only "if the judge finds that the requirements have been met," and provides a judicial review process to authorize the court to set aside a section 215 order that has been challenged. Contrary to the unfounded allegations of some, there is no evidence that a single section 215 order has been served on any library since the PATRIOT Act was passed in October of 2001.

The Committee on the Judiciary last week conducted a nearly 12-hour markup of this legislation, at which 43 amendments were offered and debated. The reported version of this legislation extends for 10 years the sunset on sections 206 and 215 of the PATRIOT Act.

Section 206 pertains to roving wiretaps under FISA. This crucial provision updates the law to reflect contemporary communications technology by making a suspected terrorist, rather than a communications device, the proper target of a wiretap. This sunset provision was approved by the committee by an overwhelming bipartisan vote of 26 to 2. However, while the legislation sets expiration dates on certain provisions of the PATRIOT Act, congressional oversight of the entire PATRIOT Act must be perpetual.

Let me conclude with the following point: For too long opponents of the PATRIOT Act have transformed it into a grossly distorted caricature that bears no relationship whatsoever to the legislation itself. The PATRIOT Act has been misused by some as a springboard to launch limitless allegations that are not only unsubstantiated but are false and irresponsible. Our constituents expect and deserve substantive consideration of this vital issue, and I hope that today's debate reflects the bipartisan seriousness that this issue demands.

Mr. Chairman, the security of the American people is the most solemn responsibility of all entrusted to the Congress. Passage of the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 is vital to maintaining the post-9/11 law enforcement intelligence reforms that have reduced America's vulnerability to terrorist attack. We must never return to the pre-

9/11 mindset that ignores the painful lessons of that day as well as the tragic experiences of our friends and allies.

I would urge my colleagues on both sides of the aisle to support this vital legislation.

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

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

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

Mr. CONYERS. Ladies and gentlemen of the House, let me say from the outset that every Member of this body wants to make sure that law enforcement officials have the tools they need to protect the American people from terrorism. I also know that all of us want to make sure that we protect our civil liberties and freedoms as we fight terrorists anywhere in the world and in this country as well.

□ 1230

I support the majority of the 166 provisions of the PATRIOT Act. In fact, in the first original PATRIOT Act, I helped write many of them in a version of the bill that passed the Committee on the Judiciary 36–0, but a bill we never saw after it left the Committee on the Judiciary. It was replaced in the middle of the night in the Committee on Rules.

I did it, I wrote the provisions because I believe as technology changes, our laws need to keep up and change as well. I believe our law enforcement officials need to be able to talk with one another and connect the dots to prevent terrorist attacks.

In some sense this is not really about the PATRIOT Act, the debate that is going on here, or even most of the 16 provisions scheduled to sunset this year. It is about four areas that are subject to abuse and need greater checks and balances, and I would like to suggest what they are.

First, the business records, 215, allows the FBI to obtain any record considered relevant to an investigation. This includes library books, medical records, and bookstore purchases. The provision has been difficult to oversee since targets of FBI investigations under the law are not permitted to tell anybody about it, even their lawyer. The Department of Justice and the chairman of the Committee on the Judiciary say that this provision has never been used on libraries and bookstores. However, the American Library Association has reported that more than 200 requests for library records have been made since September 11.

Now, concerning national security letters, the second very serious issue here, which allows the FBI to obtain financial, telephone, Internet and other records relevant to any intelligence investigation without judicial approval. Again, this is for any intelligence investigation, which means it does not even have to deal with terrorism, or even a crime. Like section 215, recipients are forever prevented from telling anyone they received a letter under penalty of law. Thank goodness a New York Federal court struck down this provision as unconstitutional. Shame on an administration that keeps using it anyway.

Third, under section 213, the government can sneak and peek into your business, your office, your car, your home, anywhere, even if there is no emergency. This means the government can break into your home and search it without telling you. It was not in the bill originally reported by the Committee on the Judiciary and was slipped in by the Department of Justice or the administration when the bill was first written a few years back. This provision has been subject to exceedingly widespread abuse. It has been used more than 240 times, and it has been delayed sometimes for over a year before anybody can be told what happened, that they were broken into, they were burglarized, they had things taken out of their home.

Worse yet, only 10 percent of these uses had anything to do with terrorism, which is the whole purpose of the PATRIOT Act.

Finally, it is clear to me that we need to have additional sunsets in this legislation. What is wrong with sunsets? That is why we are here, because the bill is being sunsetted in more than a dozen ways. If we have learned anything over the last 4 years, the only thing that makes the administration give us any information on oversight on the use of these new powers was the sunset provision.

We have also learned of abuses during our oversight that has led to us making modifications. Given this history, it simply makes no sense to make these provisions permanent or near permanent. And 10 years is not a sunset; 10 years is semi-permanent.

The lessons of September 11 and London, and even today in London, are that if we allow law enforcement to do their work free of political interference, give them adequate resources and modern technologies, we can protect our citizens without intruding on our liberties.

We all fight terrorism, but we need to fight it the right way consistent with our Constitution and in a manner that serves as a model for the rest of the world. I believe that the committee-passed legislation that is on the floor right now does not meet that test. As such, it does not warrant passage until it is corrected.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I strongly support the USA PATRIOT Act of 2005. The continued threat of a terrorist attack in the United States and this month's terrorist attacks in London remind us of the need to prevent, investigate, and prosecute all terrorist acts.

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

Even the American Civil Liberties Union last April said, ''Most of the voluminous PATRIOT Act is actually unobjectionable from a civil liberties point of view. The law makes important changes that give law enforcement agents the tools they need to protect against terrorist attacks.''

Many of the tools of the act provided to law enforcement officials have been used for decades to fight organized crime and drug dealers. They have been reviewed and approved by the courts and found constitutional. For instance, prior to the PATRIOT Act, the FBI could get a wiretap to investigate the Mafia, but they could not get one to investigate terrorists. Well, what is good for the Mob should be good for terrorists.

America is a safer country today than before September 11 because of the PATRIOT Act. Giving the Department of Justice, the Central Intelligence Agency, and the FBI information-sharing powers enabled law enforcement officials to disrupt terrorist cells in New York, Oregon, Florida, and Virginia. Since September 11, 2001, over 200 people charged with crimes stemming from international terrorist investigations have been convicted or have pled guilty. The PATRIOT Act helped also investigate and apprehend an individual who in Texas threatened to attack a mosque.

Mr. Chairman, our success in preventing another attack on the American homeland would have been much less likely without the PATRIOT Act. Law enforcement and intelligence agencies must continue to have the powers they need to protect all Americans.

Mr. CONYERS. Mr. Chairman, I yield 4½ minutes to the gentleman from Virginia (Mr. BOUCHER), a distinguished member of the Committee on the Judiciary.

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me this time and commend him on his previous eloquent statement.

I rise this afternoon in opposition to this measure which would perpetuate the invasions of civil liberties that are embedded within the 4-year-old PATRIOT Act. I have deep concerns about many provisions of the original law, such as the use of the appropriately named sneak-and-peek warrants that allow secret searches of homes with delayed notification to the homeowner that a search has occurred. The secret search can be in almost any kind of investigation, and the notification to the

person whose premises are searched can be delayed almost indefinitely.

But I am going to focus my remarks this afternoon on the two provisions of the original law which I think cause the deepest civil liberties invasion and which the measure before us does not, in my opinion, appropriately reform.

In my view, the single most troubling provision confers on law enforcement the ability to use so-called national security letters. No prior review by a court is required. The FBI can issue a national security letter and then demand records from a business or from another record custodian. There is no requirement that the object of the search be an agent of a foreign power. The only requirement is that the seizure be relevant to a terrorism investigation, but there is no procedure by which a court would make that finding of relevance before the seizure occurs. Frankly, there is no meaningful way through the use of this provision to ensure that privacy and fundamental civil liberties are protected. It is the unilateral ability of law enforcement to issue these letters and seize records without prior court review that I find to be the most troubling.

I would note that one Federal court has found the section 505 national security letter provisions to be an abridgement of both the first and the fourth amendments to the U.S. Constitution. The bill before us does nothing to address this egregious provision or limit its use in any way.

Secondly, I strongly oppose the PATRIOT Act's grant to law enforcement of the ability to go to the Foreign Intelligence Surveillance Court and obtain an order permitting the seizure of library, bookstore, bank, or medical records of a person who is not even the subject of an investigation. Moreover, the library or other institution is barred from telling its customer that his records have been seized. All law enforcement has to do is say to the court that there is a reasonable expectation that foreign intelligence about a non-U.S. person will be obtained or that the information is relevant to an ongoing investigation and the records can be seized. Virtually anyone could have their records seized. You could be sitting in a concert near someone who is a suspected foreign agent, and potentially your records could be seized. You would never learn that seizure has occurred.

While the custodian of the records could challenge the seizure, the library, the hospital, the bookstore, or the bank in possession of those records has a lot less incentive to spend resources hiring a lawyer in order to resist the seizure than would the person whose records are about to be seized; but that person, the real party of interest, never knows that the seizure is about to occur.

The House recently voted by a margin of 238–187 to bar enforcement of this overly broad provision, but the bill before us with minor changes perpetuates it and, I think, in an inappropriate way.

Mr. Chairman, there is no need to short-circuit our normal processes that are designed to protect privacy and protect civil liberties. Law enforcement could go before a court and present evidence of probable cause that a crime has been committed, and by that showing obtain the records that it needs in both of these situations. These powers conferred by the original PATRIOT Act under sections 505 and 515 are designed primarily for the convenience of law enforcement, but mere convenience should not be a reason for a deep abridgement of privacy and individual rights.

The protection of our freedoms does not require surrender of our long-held civil liberties. For these reasons, I oppose the measure before us, and I urge others to do so.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

The gentleman from Virginia (Mr. BOUCHER) is sincere in his opposition to this bill, and I respect that. However, neither the national security letter scheme nor the delayed notification scheme were authorized for the first time by the PATRIOT Act. That was legislation that was in place prior to October 2001 when the original PATRIOT Act was passed and signed into law by the President.

What the PATRIOT Act did in both national security letters as well as in delayed notification warrants was simply to extend to anti-terrorism investigations authorities that already existed and up until that time had been found constitutional in investigations such as Mafia investigations, racketeering investigations, and drug-trafficking investigations.

□ 1245

So these complaints were not caused by the PATRIOT Act. They were caused by existing legislation, and we should deal with that, not in the context of this bill but elsewhere.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I will reiterate what has been previously said this date about the PATRIOT Act, and I do so for emphasis.

The first point I want to emphasize is the assurance that the House Committee on the Judiciary and the Crime, Terrorism, and Homeland Security Subcommittee did not give the PATRIOT Act a mere wink and a nod. We, in fact, hosted 12 public hearings; three before the full committee, nine before our subcommittee. It was exhaustive, it was deliberate, it was thorough. So this matter was not accelerated and rushed through by any means, as some people seem to believe.

I mentioned during the rule debate earlier, Mr. Chairman, about a constituent of mine who complained about the PATRIOT Act but he had no specifics. He said he had heard it was bad, but he could give me no specifics where in any way civil liberties had been compromised or abused.

There has been some talk about sunsetting provisions of the act; 216 and 206 will, in fact, be sunsetted. But in these two instances, Mr. Chairman, there was no evidence of abuse or any violation at all, but these two were sunsetted because, among the other sections in the act, these two seemed to attract most of the controversy. So these are the two that stood out controversially but, I reiterate, still no evidence of abuse.

I think we in the Committee on the Judiciary have done a thorough job of exhausting and deliberating a very, very important act, and I believe that one reason why we have not been attacked subsequently from 9/11 is because of the presence of the PATRIOT Act. We expanded the provisions under which law enforcement and public safety officers must operate and must stay within, and as a result we are better for it.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER), who has headed the Constitution Subcommittee.

Mr. NADLER. Mr. Chairman, war has been declared on this country by the Islamic terrorists, and we must protect the citizens of this country. The PATRIOT Act was an attempt in some respects to do this.

But before commenting on the specifics of the PATRIOT Act, I would be derelict if I did not mention that the majority party in this House and the Bush administration have really been derelict by not dealing more directly with the threats that we face. The biggest threats we face are sabotage, bombings in our mass transit systems, sabotage of our chemical farms, our nuclear plants that could kill thousands of people, yet we do not see funds to deal with this.

It is easy to be demagogic. The Bush administration does not want to throw money at the problem; they want to throw rhetoric at the problem. So we have the PATRIOT Act. I wish we had real measures to protect our mass transit systems, to protect our vulnerable infrastructure, to protect us against what happened in London again this morning.

The PATRIOT Act was an attempt to do several things, some of which were very necessary. Breaking down the wall between intelligence and police information was very necessary and was in the PATRIOT Act and is not before us today because most of the PATRIOT Act is not before us today. Most of the PATRIOT Act is permanentized. It is permanent law. But when we are expanding police powers and when we are expanding surveillance powers, the power of government to pry into the private affairs, the books, the records, the medical histories of individual citizens, sometimes it may be necessary

for security to do so. But it endangers liberty, and that has to be balanced. We should always be nervous about expanding police and surveillance powers, and that is one of the greatest weaknesses of this bill.

We were only able to pass the PATRIOT Act 4 years ago because most, not all but most of the sections of the PATRIOT Act that expanded the powers of the police to pry into the privacy of ordinary Americans, to go into their home, into their papers, into their Internet records, their telephone records, their bank records, were sunsetted.

So what? What is the point of sunsetting? It means that every 4 years at least Congress has to look at that again, has to revisit it, has to have oversight and determine whether those powers are being abused. Mr. SENSENBRENNER says they are not being abused. He knows. The Justice Department said so. They said, We are not abusing it. Glad to hear it. But every 4 years we should have to look into it and ask are these powers being abused? Should it be fine tuned? Should they be narrowed? Have we made the right balance between security and liberty?

This bill eliminates those sunsets, except for two, which it makes 10-year sunsets.

We have had 4 years since the PATRIOT Act was enacted. We did not do any oversight in this House until 6 months ago. Why? Because of the sunset. If it had not been for the sunsetting, we would not have had the oversight. We must have that oversight and we should have had all of these things sunsetted, continued another 4 years, another 4 years.

Secondly, Members have heard about section 215. The powers granted in section 215 of the PATRIOT Act, which is hardly modified by this bill, to look into anybody's library and medical records in secret and not tell anybody that they have done so, not tell the person whose records are pried into is a very disturbing invasion of liberty, and amendments to limit it were not made in order. Section 505 of the bill, which enables any FBI agent, any FBI field office director, to issue a national security letter to let them go and see their Internet records, their phone records, and so forth without even going to a judge and telling them it is relevant to a national security investigation is wrong, and it was declared unconstitutional by a federal court. The amendments to make this constitutional, to say that they have to at least allow for judicial review and to sunset the gag order were not made in order.

The CHAIRMAN. The gentleman's time has expired.

Mr. NADLER. This should be defeated for those reasons because it is not a proper balance between security and liberty.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to heed the gavel.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an important day for us today, not just because of the explosions that have taken place in London today or those that took place several weeks ago, but rather because of 9/11 and our response to that wake-up call of the war on terrorism.

The Preamble to the United States Constitution posits that both the provision for the common defense and the need to secure the blessings of liberty are central to the constitutional order.

Freedom presumes security. The converse is equally true. In the delicate balance of these important interests. Our concern for liberty must not discount the consequences of a failure to keep Americans secure from another terrorist attack. While it is important to avoid hyperbole on such a serious matter, the very nature of American life and the traditional regard for liberty could itself be threatened. It is, therefore, imperative that principles that we take an oath to uphold not be reduced to empty platitudes. Rather, they must be applied to the facts which confront us in the war on terrorism.

The 12 oversight hearings conducted by the Committee on the Judiciary produced no evidence of abuse relating to the act itself. I hope other Members have taken the time to go to the Permanent Select Committee on Intelligence, as I have, to review the documents that are filed pursuant to the PATRIOT Act by the Justice Department, to see for themselves whether or not they have found any evidence of abuse. I did that. Those are available to any Member who wants to go over there as long as they make arrangements. And I keep hearing time and time again that, even though the Justice Department has not found any abuses, they are out there. It reminds me of those people who used to find communists under every bed: We know they are out there, we know they are there somewhere.

And I have heard on the floor people reciting: Well, the IG for the Justice Department has not found them, we have not found them, but we know they are there. Certainly our debate should be above that.

The provisions contained in the chairman's bill and the amendments adopted by the Committee on the Judiciary provide additional protections against any possible abuse in the future. The sunset of section 206 dealing with roving wiretaps and section 215, which has been referred to, was adopted by the full committee. The bill specifically requires that the government meet a relevant standard when applying for a court order for records of U.S. citizens under 215. Remember, it is an application to a court for an order. We have put in the statute the relevant standard, which was the practice we were told, but people wanted more. We have put that in there.

The chairman's bill, coupled with an amendment adopted by the full committee, explicitly provides that the subject of a court order under section 215 would have the right to consult with an attorney with respect to the order. The amendment at committee clarified that a recipient of such an order could disclose this information not only to comply with the order but to challenge it.

On these and other parts of this bill, we have done the work in the committee to deal with the problems that have been suggested.

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

Mr. Chairman, to the gentleman from California (Mr. DANIEL E. LUNGREN), I am preparing a list of 10 instances of where there have been abuses that have been reported.

ABUSES OF THE USA PATRIOT ACT

(Prepared by the House Judiciary Democratic Staff)

While some have suggested that no abuses have occurred under the USA PATRIOT Act, the simple truth is that it appears that abuses have indeed occurred. The following are examples:

SECTION 215, SEIZURE OF RECORDS OR ''ANY TANGIBLE THING''

Since 9/11, the American Library Association found that libraries have received over 200 formal and informal requests for materials, including 49 requests from federal officers.

SECTION 218, COORDINATING CRIMINAL AND INTELLIGENCE INVESTIGATIONS

Abuse in the Brandon Mayfield case: The FBI used Section 218 to secretly break into his house, download the contents of four computer drives, take DNA evidence and take 355 digital photographs. Though the FBI admits Mr. Mayfield is innocent, they still will not divulge the secret court order to him, or allow him to defend himself in court. It is unclear how the search was for any reason but to find evidence incriminating Mr. Mayfield.

SECTION 805, MATERIAL SUPPORT FOR TERRORISM

Section 805 has been found UNCONSTITUTIONAL by three separate courts. The 9th Circuit found the provision prohibiting ''personnel'' and ''training'' was overly vague. The Central California District Court found the provisions prohibiting ''expert advice and assistance'' was overly vague. A New York District Court found the provisions prohibiting ''personnel'' and acting as a ''quasi-employee'' overly vague. In each instance, the courts found COMPLETELY LEGAL ACTIVITIES would violate Section 805.

Abuse in Lynne Stewart case: A District Court threw out charges of materials support against Lynne Stewart, holding that the law makes ANY action by a lawyer in support of an alleged foreign terrorist client illegal, including providing legal advice.

Abuse in Sami Al-Hussayen case: A federal jury in Idaho acquitted University of Idaho graduate student Al-Hussayen on all charges of providing material support for a terrorist organization by running a website for the Islamic Assembly of North America. Importantly, this group is NOT on the list of foreign terrorist organizations, and the links

posted by Al-Hussayen were available on the GOVERNMENT'S own website.

SECTION 213, ''SNEAK AND PEEK'' SEARCHES

In a July 5, 2005 letter to Rep. Bobby Scott, DOJ said Section 213 had been used 153 times as of 1/31/2005; ONLY EIGHTEEN (11.8%) uses involved terrorism investigations. Thus, ALMOST 90% of ''sneak and peek'' warrants were used in ordinary criminal investigations: 97 warrants were used in drug investigations and 38 were used in other criminal investigations.

Abuse of delays: In April 2005, DOJ said 90-day delays are common, and that delays in notification have lasted for as long as 180 days. In May 2003, DOJ said its longest delay was 90 days.

Abuse of delays for ''unspecified times'': Delays may be sought for an unspecified duration, including until the end of the investigation. In one such case, the delay lasted 406 DAYS.

Abuse of delay extensions: In May 2003, DOJ reported it had asked for 248 delay notification extensions, including multiple extension requests for a single warrant, and that the courts had granted EVERY SINGLE REQUEST.

Abuse of ''catch-all provision'': In an April 4, 2005 letter to Chairman Sensenbrenner, DOJ reports 92 out of 108 (85%) sneak and peek warrants were justified because notification would ''seriously jeopardize the investigation'' and in 28 instances that was the sole ground for delaying notice.

SECTION 505, NATIONAL SECURITY LETTERS

Section 505 has been found UNCONSTITUTIONAL. The Southern District of New York held Section 505 violated the 1st and 4th Amendments. Section 505 places a prior restraint on free speech with its gag order, and it prevents due process by barring the recipient's access to the courts. Specifically, an Internet Service Provider was unconstitutionally coerced to divulge information about e-mail activity and web surfing on its system, and the ISP was then gagged from disclosing this abuse to the public.

SECTION 411, REVOCATION OF VISAS

Abuse in Tariq Ramadan case: Professor Ramadan's visa to teach at Notre Dame was revoked upon charges that he supported terrorism; Notre Dame, Scotland Yard, and Swiss intelligence all agree the charges were groundless.

Abuse in Dora Maria Tellez case: Nicaraguan Professor Tellez was denied her visa to teach at Harvard due to her association with the Sandinistas in the 1980s, where she helped to overthrow a brutal dictator whom the U.S. supported.

PROTECTION MASS TRANSIT

Oddly, New York law enforcement has begun using the provision of the PATRIOT Act that protects against attacks on mass transit to forcefully kick homeless persons out of the New York train stations.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), a subcommittee ranking member.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we live in a democracy where we respect checks and balances. The PATRIOT Act is part of a pattern of lacking checks and balances. Military tribunals, not part of the PATRIOT Act but part of a pattern of reduced checks and balances. Military tribunals were presented with no public trials, no presumption of innocence, no guilt beyond a reasonable doubt. Secret evidence could be used, no judicial review.

Part of that pattern is the enemy combatant where the administration designates someone as an enemy combatant, can arrest them and hold them indefinitely without charges, never having an opportunity to contest the allegations.

We have seen material witnesses, people arrested under the material witness laws, held indefinitely, no charges.

That is the context that we are considering the PATRIOT Act. Those are not in the PATRIOT Act, but we are considering the PATRIOT Act in that context.

We considered a bill on the same day of the second bombing in Great Britain with no money for port security, no money to secure our rails or bus transportation, no money for first responders.

Mr. Chairman, I oppose this bill, frankly not so much for what is in the bill but for what is not in the bill, what we are not going to do today. We can have plenty of privacy without threatening security, and we missed an opportunity to require standards for wiretaps and ''sneak and peak'' searches. We missed an opportunity to require probable cause of a crime before invading people's privacy. We missed the opportunity to limit these provisions and extraordinary powers to terrorism.

Ninety percent of the ''sneak and peak'' searches have nothing to do with terrorism. Remember that when the government invades one's privacy, it is not robots and computers; it is government employees who may be neighbors looking at one's medical records, listening to their private conversations, sneaking and peaking into their homes without their knowledge or consent. The PATRIOT Act gives broad expansive powers to government agents to invade privacy.

The major check on any abuse in the act has been the sunset provisions. Provisions will expire if they are abused. During our deliberations, we got a lot of cooperation on those provisions that are sunsetting. When asked information on those, we got the information. Some of it came in right before the hearing, but because of the sunset we got a lot of cooperation. Because of the sunset we found no abuses in the libraries. That is because of the sunset. Although government agencies have gone to at least 200 libraries for information, that has not been abused because they know if they abused it they would lose the benefit of that provision.

□ 1300

Medical records have not been abused. There has not been any unnecessary sharing of sensitive information of a personal nature. We have not run criminal investigations without probable cause using the provisions of the PATRIOT Act. They could have, because of the broad discretion in the bill, but they did not, because of the sunset.

Without the sunset provision, the abuse could take place. Fourteen of the 16 sunset provisions are removed, and the two that are left, 10-year sunsets, which will get us through this administration, clean through the next Presidential term and most of the way through the next.

Mr. Chairman, we need to defeat this bill, go back to the Committee on the Judiciary and establish a much better piece of legislation that will protect our privacy and ensure our safety.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, I note that since the 9/11 attacks, in part we all know due to the PATRIOT Act, there have been no new attacks on America. I also think Americans ought to know there is a bookstore in London, in the Leeds section, called the Iqra Bookstore; and among the books that Iqra Learning Center sells are extremist Muslim materials. We now believe that three out of four of the terrorists that attacked London 2 weeks ago and killed 56 people visited frequently this bookstore. If the British authorities had known about the possible link and had a 215 clause, the main clause being attacked by the opponents of the PATRIOT Act, perhaps there would be 56 people alive today.

So all the scare tactics can be done away with, all the hysterical allegations. Every American needs to know that this 215, which has been referred to as the library provision, nowhere mentions libraries. But what 215 does do is say a Federal judge must make findings before any warrant would ever be issued. This can only affect non-Americans in the first place, or Americans would only be affected if there is an ongoing terrorism or intelligence investigation.

Mr. Chairman, every American needs to know that unless there is an ongoing terror or intelligence investigation, unless a judge makes a decision, no American can ever be affected.

To the extent that we want to create safe harbors, either in bookstores or libraries or anywhere else by eliminating 215, we ought to be candid with Americans. We ought to be candid about the fact that we expect and are going to sit back as London-type bombings take place on our subways and bus systems.

We may not be able to prevent the next attack, but as long as Americans' liberties are protected by a judge ahead of time, as long as this is a reasonable provision affecting only non-Americans or during an intelligence or ongoing terrorism investigation, it is absolutely appropriate. I would not be doing my duty as a Congressman to not fight for 215 to be reenacted. We have added some protections. Everybody

who receives one of these warrants is guaranteed to see a lawyer, and, if they want to, challenge the warrant.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished member of the Committee on the Judiciary.

Ms. ZOE LOFGREN of California. Mr. Chairman, after 9/11, I worked on the drafting of the PATRIOT Act in the committee and in the weekend drafting session, and I voted for the act on the floor. I think it is important to know that most of what is in the PATRIOT Act is not actually before us today. It is only the 16 provisions that are so-called sunsetted, which means that we need to review them and renew them, that are actually before the House today.

First and foremost, as the Justice Department said in their letter to me today, the most important thing in the PATRIOT Act is to help remove the legal barriers that prevented law enforcement and intelligence officers from sharing information so they could, so-called, ''connect the dots.'' That is important. There are other important things in the act.

I think it is worth noting that there are some things that disturb Americans that are happening in the United States relative to the arrest of American citizens and the holding of American citizens without charge, without access to counsel; but they have nothing whatsoever to do with the PATRIOT Act. They are not in the PATRIOT Act, no matter how concerned we might be about them.

I believe, however, that even though there are important components to the PATRIOT Act, there are some things that deserve more attention and more fine-tuning than they have received in this bill.

For example, section 505 of the act grants law enforcement the authority to issue national security letters, which are essentially administrative subpoenas, for all sorts of personal records about anyone without judicial oversight. These records include telephone and Internet records, financial documents and consumer records.

In addition, we enhanced this section in subsequent legislation to ensure that even more records could be subpoenaed from travel agencies, pawn brokers, casinos, car dealers and more; but all of this is without oversight of a court.

Prior to the act, national security letters could only be used to get records when there was reason to believe that the subject of the record was an agent of a foreign power. Not only did the PATRIOT Act remove the requirement that the subject of the record is a foreign power; it lowered the standard by which those records could be obtained to the relevancy standard.

We have not had meaningful oversight, in my opinion, on this provision of the act. Assuming that law enforcement does need the ability to get some of these records, and I do not dispute that, we do need to have some standards in place. As has been mentioned by the gentleman from Virginia (Mr. BOUCHER), one court has already struck down this section of the act as violative of the Constitution.

We know from our inquiry to the Justice Department that this provision has been used hundreds of times. We got six pages back of redacted records, but we really do not know the full impact; and we need to know more than we do today before we allow this sweeping tool to be renewed.

I also want to mention section 215 of the act. I believe that it may be important to obtain certain records, as has been outlined. But, again, we need to have a standard that is beyond relevancy.

So the question here really is about balance. We need to prevent terrorism, we all agree on that; but we also need to protect and defend the Constitution that has served us so well. So I would urge that we have the oversight that we will need by having some sunsets, and particularly taking a look at the national security letter. We do not need to violate our Constitution to keep our country safe.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the distinguished chairman for yielding me time, and especially I rise to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his tireless efforts on behalf of the security and the liberty of the American people in developing this reauthorizing legislation.

Today in London we have seen yet again the work of terrorists on the soil of a freedom-loving people. The explosions in that city today, while less lethal than a few weeks ago, follow the deadly attacks that took place on July 7, and the anguish in London is a vivid reminder of why we cannot relent in taking the steps necessary to defend our homeland from a present terrorist threat.

We all lived through September 11. I was here at the Capitol that day. I saw the evil of our enemies written in the smoke rising above the Pentagon. And we are reminded yet today that their desire to do such violence in our homeland and in the homeland of our allies is real.

The PATRIOT Act is essential to our continued success in the war on terror here at home. In the last 4 years under the PATRIOT Act, we have seen a great increase in the ability of law enforcement officials to investigate and track terrorists. For example, aided by provisions of the PATRIOT Act, law enforcement officials in Ohio were able to arrest Iyman Faris, an Ohio truck driver who authorities said plotted attacks on the Brooklyn Bridge and a central Ohio shopping mall. In 2003, he pleaded guilty to charges of aiding and abetting terrorism and conspiracy, acknowledging that he had met with Osama bin Laden in the year 2000 at an al Qaeda training camp and then was provided assistance by al Qaeda. He is currently serving a 20-year prison sentence.

While 16 provisions of the PATRIOT Act are set to expire at the end of this year, the threat of terrorism to our families and our cities will not. Therefore, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 is as necessary today as the PATRIOT Act was when it was originally signed into law in October of 2001.

This reauthorization legislation does make permanent 14 of the 16 sections from the original PATRIOT Act that were set to expire this year. But under the bill, those sections of the act that have caused the greatest concern in the hearts of many millions of Americans are set to sunset, sections 206 and 215, within 10 years, thanks to the leadership of this committee and of this Congress.

The concerns that have been raised about abuses simply have not been borne out. With over 4 years of oversight hearings and six Department of Justice Inspector General reports, there is no evidence of abuse under the PATRIOT Act.

I know what the people of London are feeling today. I felt it that day, September 11, and my heart and my prayers go out to them. I am absolutely convinced that what we have done in this country in a bipartisan way has contributed mightily to the fact that there has not been another major terrorist event in our Nation since that awful day.

The PATRIOT Act and the elements which we will reauthorize today are central to the ongoing victory in the war on terror, and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California (Mr. BERMAN), a senior member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank our wonderful ranking member for yielding me this time.

Mr. Chairman, I voted for the PATRIOT Act in 2001. I abstained in the Committee on the Judiciary this year because I was hoping that some of my concerns could be addressed through a rule that would allow some of these issues to be brought to the floor. But I am very disappointed to say that the rule that was adopted for this very important bill is designed to look like it is fair, because it allows a number of amendments, but those amendments are either so sweeping that they will never get anywhere near and should not get a majority of the House to vote for them, or they tinker on the edges of some critical issues.

There are, to my way of thinking, two critical things that need to be

done; and this rule does not allow them to be done. One is addressing the issue of sunsets.

The chairman bemoans the fact that out in the Nation so many people have such a misunderstanding of what the PATRIOT Act does or does not do. He may feel it is because of the bad motives of the people who talk about it. I would suggest it comes from this fundamental conflict between our desire for enhanced security and our love and commitment for continued liberty.

So people read about detentions of people without being indicted or without any deportation proceedings against them and wonder what is going on; and he is right, many of the things we have read about have nothing whatsoever to do with the PATRIOT Act. But part of the reason why the chairman can say we had such rigorous oversight, 10 hearings on this subject, continued letters from the chair and the ranking member pushing for information from the Justice Department, is because of the sunsets.

The failure of the rule to make the sunsets in order is a tremendous failure, not that all of them need to be reenacted, but on key sections at a time that is relevant for what the American people want, which is within the next 4 or 5 years there should be a chance to have those provisions sunsetted.

I want to get to just as fundamental an issue, to my way of thinking and that is the issue of the standards for secret orders from FISA courts that allow our law enforcement agencies to pursue terrorist investigations and break up terrorist cells.

Prior to the PATRIOT Act, and even under the SAFE Act, we have a standard which does not give law enforcement enough tools to gather the information through a carefully developed investigation to find out who the future terrorists are, who the people who might be planning terrorist attacks are.

Under the existing law, you have much too broad a standard. You are allowing orders that are not based on criminal information to be issued by FISA courts, required to be issued by FISA courts, allowing any kind of tangible records to be seized, whether or not they are pertaining to a specific person, if it is connected with, or, in the case of the base bill here, relevant to a terrorist investigation.

□ 1315

An amendment that the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from California (Ms. HARMAN) and I proposed the Committee on Rules did not allow to come into the rule which would have provided the proper balance. It would have dealt with the limitations that are imposed on law enforcement by too restrictive a standard and, at the same time, clarify that even if it has not yet been misused, it is wrong to provide such a broad standard that records can be swept up that have no connection whatsoever with any relevant target of any terrorist investigation.

The Senate Committee on the Judiciary this morning unanimously passed the standard that we see on this chart. The standard says, if the target of the FISA order or the national security letter is an agent of a foreign power or is in contact with or known to an agent of a foreign power, a definition which deals with all the hypotheticals provided by my friend, the gentleman from California (Mr. DANIEL E. LUNGREN), in criticizing the SAFE Act and pre-PATRIOT Act standard, it provides every hypothetical created that I have heard about with the ability to be pursued under FISA orders. Why were we not allowed to vote on this? Why would the Senate Committee on the Judiciary unanimously pass that sensible correction in the PATRIOT Act and this body not be even allowed to debate and vote on it?

For these reasons, I am going to be forced to vote ''no'' on this bill for the lack of opportunity to sunset key provisions like the lone-wolf provision, like the issue of national security letters to provide a forcing mechanism for oversight and for our failure to deal with the overly broad standard in the existing law and in the base bill. I hope when it comes back from the conference committee, that we will have a more balanced product that I will be able to support.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I sit here and listen to this debate, and I have been through a number of the 12-or-so hearings that we have had in the Committee on the Judiciary on the PATRIOT Act; and I want to compliment this Congress, this bipartisan Congress, that met almost with a sense of urgency and almost a sense of emergency to write this PATRIOT Act just 3-plus years ago.

And throughout all of those hearings, we needed to put security in place, we needed to be able to access information. One of the standards was, why can we not access information in an international terrorist investigation as we can in a criminal investigation? We set higher standards here in this Congress rather than lower standards and, still, the debate comes back.

But I am astonished and amazed and pleased and in admiration by the work done by this Congress to put this language in this PATRIOT Act that has withstood all legitimate criticism. It has protected people's rights. There is not a name of an individual who had their rights violated by the PATRIOT Act. We have had the hearings, and we have had serious deliberation. I hope we have a serious consideration of these amendments and final passage of a very good PATRIOT Act.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope we can characterize this debate in the manner that it should be, particularly as we rise in the backdrop of the tragedy of London, England.

Might I say that even though we would have preferred, many of us as Democrats, a lengthier time for debate in committee, I want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for the ongoing debate and allowing for amendments over a period of time to discuss the PATRIOT Act.

It should be commented on that this is not a definition of patriotism, of who is more patriotic than the next person, for the underlying bill exists. But there also should be some concerns about limiting overreach and overbroadness, with Americans understanding one of the issues that we are debating today, and that is the very premise of civil liberties juxtaposed against the responsibility of fighting the war on terror.

I would have hoped my colleagues could have fought the war on terror by enhancing and making sure that the agencies responsible for sharing intelligence are really doing that. We find that that is not the case. Whether it is the FBI, the CIA, or other counterterrorism groups, they can do a better job. That certainly helps to stop terrorist acts.

Then, I would have hoped my colleagues would have supported an increased funding, which has not been done by the majority, on rail security and port security and, of course, the idea of insuring our buses and other public transportation modes. These are also components of making sure that we are safe.

But the reason why we raise the question today about the PATRIOT Act is that 14 provisions are being made permanent. Mr. Chairman, even though it is a different story, the Voter Rights Act in 1965, which goes to the core of our democracy, was sunsetted; and it has to be reauthorized. We only argue that it is important to reauthorize or to sunset so that we can have these debates, so that the American people can understand the limitation of their rights or the enhancement of their rights.

For example, I think my colleagues would be troubled by the fact that we know that the FBI could get any tangible record by a rubber stamp by what we call FISA and that the showing would only be relevance. I have signed probable cause warrants as a judge, and you have to ask hard questions when a policeman comes in late at night to go into your home.

We also know that these items can be used against Americans, not just a foreign power, or the national security letters that the FBI can get financial, telephone, Internet, and consumer

goods records relevant to intelligence investigations, not just against agents of foreign powers, but against Americans. Or what about the sneak-and-peek provision that allows someone to come into your home and take anything, of course, called search and seizure, without notice, suggesting that it is involved in an investigation, and most of you would not know, most of America would not know that this is not limited to terrorism. But it is far-reaching; it could be anyone.

So the question on debate today, I hope that we can center it around the question of restraint, but yet be vigorous in our fight for the war on terror. I hope that we will have that opportunity, and I hope as well that in the amendment that I offer that we will be able to say that if you are impacted by a terrorist act, that you can sue and enforce your civil judgement, and I hope to have mutual support on that.3

Mr. Chairman, I join my many colleagues, many victims of terrorism, and many victims of racial and religious profiling in opposing this legislation, H.R. 3199, for several reasons. First, we never have been given the facts necessary to fully evaluate the operation of the underlying bill, the USA PATRIOT Act. Second, there are numerous provisions in both the expiring and other sections of the PATRIOT Act that have little to do with combating terrorism, intrude on our privacy and civil liberties, and have been subject to repeated abuse and misuse by the Justice Department. Third, the legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Finally, the bill does not provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism. Since 2002, 389 communities and 7 States have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. Additionally, numerous groups ranging the political spectrum have come forward to oppose certain sections of the PATRIOT Act and to demand that Congress conduct more oversight on its use, including the American Civil Liberties Union, American Conservative Union, American Immigration Lawyers Association, American Library Association, Center for Constitutional Rights, Center for Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, Lawyers' Committee for Civil Rights, National Association for the Advancement of Colored People (NAACP), National Association of Criminal Defense Lawyers, People for the American Way, and numerous groups concerned about immigrants' rights. I sit as Ranking Democrat on the Subcommittee on Immigration, Border Security, and Claims. Of particular concern to me are a number of immigration-related provisions that cast such a broad net to allow for the detention and deportation of people engaging in innocent associational activity and constitutionally protected speech and that permit the indefinite detention of immigrants and non-citizens who are not terrorists.

Among these troubling provisions are those that:

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

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

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

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

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

In addition, the current administration has taken some deeply troubling steps since September 11. Along with supporting the USA PATRIOT Act, it has initiated new policies and practices that negate fundamental due process protections and jeopardize basic civil liberties for non-citizens in the United States. These constitutionally dubious initiatives undermine our historical commitment to the fair treatment of every individual before the law and do not enhance our security. Issued without Congressional consultation or approval, these new measures include regulations that increase secrecy, limit accountability, and erode important due process principles that set our Nation apart from other counties.

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

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

My ''safe havens'' amendment that was made in order by the Committee on Rules relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable.

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

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

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

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

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the Administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American

victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American servicemen and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, I thank the chairman for this opportunity to address the PATRIOT Act. We must especially make sure our law enforcement and intelligence agencies have the resources they need to arrest, detain, and interrogate those who would do us harm before the deadly acts are committed.

I am very cognizant of the concerns brought to me by many of my constituents in Michigan regarding the PATRIOT Act. They have a concern which I believe we all share, that any legislation we pass to combat and prevent terror should not infringe upon the rights we cherish as Americans, the very same freedoms the terrorists themselves seek to destroy.

I appreciate the gentleman letting me inquire about these provisions in the bill that you have reported out of committee.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I am pleased that this bill and the USA PATRIOT Act will continue to protect civil liberties, while also providing law enforcement the tools they need to fight terrorists intent on harming Americans.

I yield further to the gentleman from Michigan.

Mr. SCHWARZ of Michigan. Mr. Chairman, section 215 of the PATRIOT Act pertains to the government's abilities to gain access to what we commonly refer to as business records, records compiled by a business or an institution pertaining to a customer or visitor to that entity. This provision has come to be known as the ''library provision'' because many librarians and civil libertarians are concerned that this provision of the PATRIOT Act could authorize the government to pour through the library records of everyday private citizens.

Now, it is my understanding that your version of the bill has added protections to ensure that law-abiding citizens and residents of the United States do not see their cherished civil liberties violated. Specifically, the bill states that no search can be conducted unless, I repeat, unless a Federal judge impaneled at the Foreign Intelligence Surveillance Court makes a finding that the information likely to be obtained concerns an ongoing investigation; repeat, an ongoing investigation to prevent international terrorism, and that that investigation is geared toward gathering foreign intelligence.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, yes, that is an accurate reading of the bill.

I further yield to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, I thank the gentleman. Is it also the case that the recipient of such an order, such as a business or video store, is allowed to consult a lawyer and to contest these orders, and that judges are authorized to review such challenge? In other words, we are not devolving to the executive branch powers of the judicial branch?

Mr. SENSENBRENNER. Mr. Chairman, further reclaiming my time, again, that is an accurate reading of the bill. I further yield to the gentleman from Michigan.

Mr. SCHWARZ of Michigan. Mr. Chairman, I thank the gentleman for his time. I have, and I hope the American people have, an accurate understanding of the safeguards put in place by the USA PATRIOT Act.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor and a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I want to comment and express my appreciation for the remarks of the gentleman from Iowa (Mr. KING) when he suggested that this has been a good process. We have significant disagreements, and they are healthy disagreements, I would add.

But I think he made the point. There is no one, no Democrat and no Republican who wants to reconstruct that metaphorical wall that prevented the sharing of information. I do not know of anyone on either side. And that was the key and the linchpin, I would suggest, of the success of the PATRIOT Act.

Now, some have suggested that there has been no abuse discovered by the Department of Justice, and I will accept that premise. But I would also put forth that the reality of the sunsets were an encouragement on the part of the Department of Justice to ensure full compliance with the law as it was then written. If you will, one could argue that it served as a deterrence,

that it encouraged good behavior; and that is why some of us here on this side of the aisle are so passionate about the issue of sunsets.

It is my understanding that this morning in the Senate Committee on the Judiciary, there were a number of sunsets on various provisions that were approved, and they were full-year sunsets. I dare say, if various amendments relative to sunsets had been allowed and made in order, this debate could have been cut in half in terms of the time.

I also want to speak to the issue of library records. My good friend and colleague on the committee, the gentleman from Florida (Mr. FEENEY), talked about some using the library provision, if you will, as a red herring. Well, the reality is that library records under section 215 can be gleaned under section 215. Yes, according to the Attorney General, it has never been used, which just leads me to ask the question, well, why do we need it? But, yes, it ought to be a concern.

I would further suggest that in terms of if there is no concern about libraries, if it is a red herring, why does the first amendment that we will consider that was made in order have to do with the issue?

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for putting together this excellent extension and reauthorization of the USA PATRIOT Act.

Mr. Chairman, America faced a new kind of enemy on September 11, one that mercilessly attacked civilians on our own shores. In response, the Congress, I was not here at the time, passed the PATRIOT Act to give law enforcement agents appropriate tools to fight the new war on terror.

Today, we have a great opportunity to send a strong message of support for several provisions of this bill which would have expired on December 1.

I specifically want to mention the library section. For some reason, section 215 has come to be known as that.

□ 1330

Actually, it is one that allows law enforcement officers to gain access to business records. Why would we not want to have library records and bookstore records be available if there is a suspected terrorist? By doing so, we would only be making bookstores and libraries sanctuaries for these terrorists. The purpose of this legislation was when it was originally created and now as we extend it to protect Americans. We cannot afford to make libraries and bookstores havens for those bent on harming U.S. citizens.

Opponents have waged a campaign of misinformation. Recently, some Members on the other side have actually admitted that it has not been abused. We want to make sure that Americans are protected. For that reason, I fully support the reauthorization of the expiring PATRIOT Act, and I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his work on this issue.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I too rise in support of this bill. We have had some great debate, 11 hearings, and I appreciate my friend the gentleman from Massachusetts' point about Section 215, but the gentleman from Florida (Mr. FEENEY) is right. I mean, library records are being used as a red herring. We have seen over and over that libraries have been used by terrorists and this will help address that. The thing is so far that provision of 215 has not been used with regard to libraries. But if a terrorist is using that information, as a former judge, I would not hesitate if the information were there, raising probable cause. But there are safeguards in 215. There is a court. There is a judge reviewing.

I was terribly concerned about the right to an attorney not being in there. That is being amended to include that. I was concerned about not having a provision for appealing that power under 215. That has been added and amended. And so we are coming to a great bill here, and it has come about through great debate, back and forth.

And I would also point out though, with regard to the London bombings and the further activity today, you know, our hearts and prayers go out to our friends across the ocean. But we cannot lose sight of the fact either, we have not had one yet here, not since 9/11. And if you are in a position to review top secret records, you will see that this has been used effectively.

And as far as 215 and the passion my friend, the gentleman from Massachusetts (Mr. DELAHUNT), had about we have got to have a sunset, good news. The sunset is in here for 206 and 215. So I am proud to rise in support. I have had great concerns about some areas. They are being addressed. We do have some sunsets to provide some protection, and I am proud that this administration has not abused any of these until we can get these holes filled.

The Acting CHAIRMAN (Mr. SWEENEY). The Chair will advise Members that the gentleman from Wisconsin (Mr. SENSENBRENNER) has 16 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I rise today in very strong support of the renewal of the USA PATRIOT Act. These changes that were enacted in response to the horrific terrorist attacks on our Nation of September 11, 2001 provided critical tools to our law enforcement in bringing the terrorists to justice and to stopping future attacks, and the result of this law cannot be disputed. Worldwide we have captured or killed nearly two-thirds of the al Qaeda's top leadership. We have broken up terrorist cells in Buffalo, in Seattle, in Portland, Northern Virginia and in Detroit, my home State of Michigan.

These tools have been critical in gathering knowledge on the activities and the targets of the terrorists. These tools have assisted in dismantling the terrorist financial network. And as I meet with constituents in my district they are continually saying what are we doing to help fight the terrorists?

However, I have never heard from one man or woman in my district who has said that their constitutional rights have been violated by any aspect of the PATRIOT Act. And while I care deeply about protecting the civil rights of law abiding Americans, I do not care one iota about the civil rights of terrorists bent on destroying our way of life.

Just yesterday over 300 Members of this House voted for an amendment that supported the capture and the detention and the interrogation of international terrorists.

Mr. Chairman, today we face a new type of enemy, an enemy who preys on the innocent, an enemy who lives in the shadows, an enemy whose tactics are the tactics of cowards. And as we saw in London on July 11 and as we are seeing again today, the terrorists are still out there targeting the murder of the innocent. And in fact I will predict that other countries will follow the lead of America and what we are doing on the floor of this House today as they enact similar protections for their citizens against these murderers. And now is not the time to take away tools that law enforcement needs to protect us. Now is the time to send a message to the terrorists that the we are not backing down from the fight.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a distinguished member of the Judiciary Committee.

Ms. WATERS. Mr. Chairman, I rise in strong opposition to H.R. 3199, the U.S. PATRIOT and Terrorism Prevention Reauthorization Act. This act grants the government overbroad and even unconstitutional powers that have not been adequately addressed.

The PATRIOT Act is misleading American citizens and causing them to forfeit their civil liberties in the interest of what has become a political war on terrorism. At the same time, the President's war on terrorism fails to fund protection for our transportation systems, our ports and, still today, uninspected cargo is being placed in the belly of the airplanes of all of our airlines.

Yet we continue in this act to violate the privacy of our citizens with section 505, the National Security Letters section of the PATRIOT Act, which allows

law enforcement to demand detailed information about an individual's private records without judicial review, without the individual ever being suspected of a crime, without a requirement that law enforcement notify the individual that they are the subject of an investigation.

Furthermore, this section contains an automatic permanent gag order on the recipient of a national security letter, not even allowing the recipient to consult with an attorney. And this act is very confusing. In one section of the law, 215, they can get an attorney. In section 505 they cannot. I do not know what we are doing here today.

Mr. Chairman, this power represents a clear violation of the fourth amendment against unreasonable search and seizure, as well as threatening speech protected under the first amendment. In fact, a U.S. district judge struck down section 505 in a case involving the government's collection of sensitive customer records from Internet service providers without judicial oversight. The judge found that the government seizure of these records constituted an unreasonable search and seizure under the fourth amendment, and found the broad gag provision to be an unconstitutional prior restraint on free speech.

To address this, I proposed an amendment that would have provided the recipients of national security letters that would allow them to consult with their attorneys and any person that was necessary to produce the required records. This amendment would not have greatly changed the real meaning of section 505. It was simply a common sense amendment that would have provided some legal recourse and balance for the recipients of national security letters. However, the amendment was not made in order.

Mr. Chairman, what makes this country so great is our respect and protection of individual rights and civil liberties, and we must continue to provide adequate safeguards and protection to these rights. While I agree that our national security is a top concern, we must find the appropriate balance.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this important legislation, and I rise today in support of this bill.

I served in the Justice Department before and after 9/11. I led the Department's counterterrorism efforts in the United States Attorney's Office in the State of Texas. I worked with the Joint Terrorism Task Forces fighting this war on terror in the trenches. I know firsthand that this PATRIOT Act provides the necessary tools to win this war on terror at home.

Significantly, the PATRIOT Act tore down the wall between the criminal division and the intelligence side of the house. Prior to this it was dysfunctional. The left hand literally did not know what the right was doing. The 9/11 Commission reported this wall may have contributed to 9/11. An FBI agent testified that efforts to conduct a criminal investigation into two of the hijackers were blocked due to concerns over the wall. Frustrated, he wrote to the FBI headquarters and he said, some day someone will die. And wall or not, the public will not understand why we were not more effective at throwing every resource we had at certain problems. Let us hope that the national security law unit will then stand behind their decisions, especially since the biggest threat to us now is Osama Bin Laden.

Today, thanks to the PATRIOT Act, this wall has come down. It helps us connect the dots by removing the legal barriers that prevented law enforcement and the Intelligence Community from sharing information.

But the PATRIOT Act provides many other tools for law enforcement in this war on terrorism. It updates the law to the technology of today. The PATRIOT Act also takes laws which have long applied in drug cases and organized crime cases and applies them to the terrorists, such as the roving wiretaps, such as the delayed notification for searches. It makes no sense for us to apply these laws only in drug cases and not in the most important cases affecting our national security, cases involving terrorists. And contrary to critics' assertions, the Justice Department cannot do anything without court supervision. The U.S. PATRIOT Act does not abrogate the role played by the judiciary in the oversight of the activities of Federal law enforcement.

And while we are talking about libraries, let us not forget al Qaeda operative Mohammed Babar who used a computer in a library and when asked after he was arrested why, he said because the libraries will scrub the hard drives.

I can envision no bigger national security mistake than to go back to the way things were. We owe it to the citizens of this country to reauthorize the PATRIOT Act, for if we do not and another terrorist attack occurs on our shores we will surely all be held accountable.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the chairman of the Congressional Black Caucus and a distinguished member of the Judiciary Committee.

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, I suspect that the American people do not realize just how much the process of legislating is about reacting to events that take place around us. When something like Enron happens, we react to that. When accounting scandals happen, we react to it. When the events of 9/11 occurred, we obviously reacted to those events. And quite often when we react, we are looking for an appropriate new balance that takes into account some outrageous activity that took place.

And so when we passed the PATRIOT Act originally, our effort was to try to find a new security balance for people here in our country, and we thought we had done a tremendous job of doing that in the Judiciary Committee, only to find that the Rules Committee, which did not even have any jurisdiction over the matter or had any hearings about the matter, took the bill, rewrote it, brought it to the floor and struck a completely different balance between the rights of government on one hand and law enforcement and the rights of individuals on the other hand.

□ 1345

I voted against the original PATRIOT Act, and I still believe that the balance that was struck in that bill was inappropriate. I think the balance that we have struck in this bill is not the appropriate balance. And a number of my colleagues have said that, well, there have not been any abuses by law enforcement of the powers that we gave them. But the truth of the matter is that depends on how you define an abuse. And I do not like to define an abuse as something outrageous.

If we wait on something outrageous to happen, then we will react back in the opposite direction of against government and law enforcement in unreasonable ways, just as we are reacting in favor of law enforcement now.

So here are a couple of statistics that you need to know about: the American Library Association found that libraries have received over 200 formal and informal requests for materials including 49 requests from Federal officers. Well, maybe they did not find anything. Maybe that was not an abuse that people are going to get outraged about, but I think that is outrageous.

In section 213 it talks about sneak-and-peek searches. In a letter to the gentleman from Virginia (Mr. SCOTT), the Department of Justice said on July 5, 2005 that that section had been used 153 times as of January 2005. Only 18 of those times were the uses for terrorism investigations.

Well, what is happening with the other 80 percent is in my estimation an abuse of this provision because we passed the law so that we could make it easier for law enforcement to get to terrorists. The law is being used in ways that, but for the events of 9/11 and the terrorism that occurred, we would not have accepted as residents of this country.

I just think we have struck the wrong balance. We need to sunset this bill again for a shorter period of time, and I hope my colleagues will take that into account and vote against it.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rarely disagree with my friend from North Carolina (Mr. WATT), but I want to take some time to correct the record.

The delayed notification or so-called ''sneak-and-peek'' warrants were authorized in the late seventies for purposes of racketeering and drug-trafficking investigations and were held constitutional by the Supreme Court in the early eighties as not violative of the fourth amendment.

What the PATRIOT Act did was expand this previously existing authority to terrorism investigations. So if the PATRIOT Act never existed, the 18 instances where the delayed-notification warrants were used for terrorism investigations would have been illegal. But all of the other investigations that the gentleman from North Carolina referred to would have been legal under existing practice which have been held constitutional.

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

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

Mr. ROHRABACHER. Mr. Chairman, I rise in reluctant opposition to this bill.

In 2001 after an attack on the United States and the slaughter of innocent civilians, this Congress passed the PATRIOT Act, which I supported at that time. It gave our investigative agencies a wide variety of special powers to fight terrorism and to win this war on terrorism. However, these powers were not to be permanent. They were designed to help us win the war, not to change our country permanently.

Now we have the PATRIOT Act being handed to us again, but instead it is being handed to us in a permanent form. You do not make policy for the United States Government protecting the rights and freedoms of our people in an extraordinary time as this, a time of war, and then mandate it so it is going to be the rule of our country once we live in peacetime.

Our country was founded on the idea of limited government and individual liberty. I gladly supported PATRIOT I. Now they have taken all but two of the sunset provisions which would make those extraordinary new powers that we gave the government lapse once we have peace in this country.

Any real patriot will vote against this expansion of government at the expense of the individual even when peacetime comes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1½ minutes to rebut my good friend from California.

Mr. Chairman, effective oversight is a function of effective congressional leadership and not as a result of legislative sunsets. If we restricted oversight to legislative sunsets, only about 5 percent of the laws that we pass are sunset, and most of those are appropriations bills.

Now, the gentleman from California (Mr. ROHRABACHER) is the chairman of an oversight subcommittee on the Committee on International Relations. I do not see any sunsets coming on bills coming out of the Committee on International Relations because I have faith in the gentleman from California's (Mr. ROHRABACHER) being able to do effective oversight.

The Committee on the Judiciary has done a huge amount of oversight. We have had extensive hearings. There has been more process and more hearings and more witnesses on more sides of the issue on the PATRIOT Act than practically any other piece of legislation that I have faced in my 26-plus years as a Member of Congress.

Thirty-five witnesses, 12 hearings, oversight letters, responses, inspectors general reports. I wish I had brought all of the paper that has come about as a result of the Committee on the Judiciary's oversight, because it would stack this high off the table here in the House Chamber.

Mr. Chairman, the following is a listing of the oversight activities so that the American public and everybody can see that this committee has done its job. It has done its job effectively, and it has made sure that the civil liberties of the people of this country have not been infringed upon.

HEARING CHRONOLOGY: HOUSE JUDICIARY COMMITTEE CONSIDERATION OF THE USA PATRIOT ACT, AS OF JUNE 21, 2005

FULL COMMITTEE CONSIDERATION

June 10, 2005: Full Committee—Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Carlina Tapia-Ruano, First Vice-President of the American Immigration Lawyers Association (Minority witness); Dr. James J. Zogby, President of the Arab American Institute (Minority witness); Deborah Pearlstein, Director of Human Rights First (Minority witness); and Chip Pitts, Chair of the Board of Amnesty International USA.

June 8, 2005: Full Committee—Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Deputy Attorney General James B. Corney.

April 6, 2005: Full Committee—Oversight Hearing on the Department of Justice, The Use of the Law Enforcement Authorities Granted under the USA PATRIOT Act: Attorney General Alberto Gonzales.

SUBCOMMITTEE CONSIDERATION

May 26, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Material Witness Provisions of the Criminal Code and the Implementation of the USA PATRIOT Act: Section 505 that Addresses National Security Letters, and Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad: Chuck Rosenberg, Chief of Staff to the Deputy Attorney General of the Department of Justice (Majority witness); Matthew Berry, Counselor to the Assistant Attorney General of the Department of Justice (Majority witness); Gregory Nojeim, Acting Director of the Washington Legislative Office of the American Civil Liberties Union (Minority witness); and Shayana Kadidal, Staff Attorney, Center for Constitutional Rights (Minority witness).

May 10, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on the Prohibition of Material Support to Terrorists and Foreign Terrorist Organizations and on the DOJ Inspector General's report on Civil Liberty Violations under the USA PATRIOT Act: Honorable Glenn Fine, Inspector General of the Department of Justice (Majority witness); Honorable Gregory G. Katsas, Deputy Assistant Attorney General, Civil Division of the Department of Justice (Majority witness); Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); and Ahilan Arulanantham, Staff Attorney for the American Civil Liberties Union of Southern California (Minority witness).

May 5, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb: Honorable William Moschella, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice (Majority witness); Willie Hulon, Assistant Director of the Counterterrorism Division, Federal Bureau of Investigation (Majority witness); Professor Orrin Kerr, Professor of Law at the George Washington University Law School (Majority witness); and James X. Dempsey, Executive Director of the Center for Democracy and Technology (Minority witness).

May 3, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Sections 201, 202, 213, and 223 of the USA PATRIOT Act and Their Effect on Law Enforcement Surveillance: Honorable Michael J. Sullivan, U.S. Attorney for the District of Massachusetts (Majority witness); Chuck Rosenberg, Chief of Staff to the Deputy Attorney General (Majority witness); Heather Mac Donald, John M. Olin fellow at the Manhattan Institute (Majority witness); and the Honorable Bob Barr, former Representative of Georgia's Seventh District (Minority witness).

April 28, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing—Section 218 of the USA PATRIOT Act—If it Expires will the ''Wall'' Return?: Honorable Patrick Fitzgerald, U.S. Attorney for the Northern District of lllinois (Majority witness); David Kris, former Associate Deputy Attorney General for the Department of Justice (Majority witness); Kate Martin, Director of the Center for National Security Studies (Minority witness); and Peter Swire, Professor of Law at Ohio State University (Minority witness).

April 28, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing—Have sections 206 and 215 improved FISA Investigations? (Part II): Honorable Kenneth L. Wainstein, U.S. Attorney for the District of Columbia (Majority witness); James Baker, Office for Intelligence Policy and Review, U.S. Department of Justice (Majority witness); Robert Khuzami, former Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York (Majority witness); and Greg Nojeim, the Associate Director and Chief Legislative Counsel of the American Civil Liberties Union's Washington National Office (Minority witness).

April 26, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing—Have sections 204, 207, 214 and 225 of the USA PATRIOT Act. and Sections 6001 and 6002 of the Intellience Reform and Terrorism Prevention Act of 2004, improved FISA Investigations? (Part I): Honorable Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania (Majority witness); James Baker, Office for Intelligence Policy and Review, U.S. Department of Justice (Majority witness); and Suzanne Spaulding, Managing Director, the Harbour Group, LLC (Minority witness).

April 21, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Crime, Terrorism, and the Age of Technology—Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications: and Section 220: Nationwide Service of Search Warrants for

Electronic Evidence: Laura Parsky, Deputy Assistant Attorney General of the Criminal Division, U.S. Department of Justice (Majority witness); Steven M. Martinez, Deputy Assistant Director of the Cyber Division, Federal Bureau of Investigation (Majority witness); James X. Dempsey, Executive Director of the Center for Democracy and Technology (Majority witness as a favor to Minority); and Peter Swire, Professor of Law, Mortiz College of Law, the Ohio State University (Minority witness).

April 19, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Sections 203 (b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing: Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); Maureen Baginski, Executive Assistant Director of FBI Intelligence (Majority witness); Congressman Michael McCaul (Majority witness); and Timothy Edgar, the National Security Policy Counsel for American Civil Liberties Union (Minority witness).

Witnesses (alphabetical)

1. Arulanantham, Ahilan T.—Staff Attorney, American Civil Liberties Union
2. Baker, James A.—Counsel for Intelligence Policy, Department of Justice *testified twice
3. Baginski, Maureen—Executive Assistant Director for the Office of Intelligence, Federal Bureau of Investigation
4. Barr, Bob—Former Member of Congress, Atlanta, Georgia
5. Berry, Matthew—Counselor to the Assistant Attorney General, United States Department of Justice
6. Buchanan, Mary Beth—United States Attorney, Western District of Pennsylvania
7. Comey, James B.—Deputy Attorney General, United States Department of Justice
8. Dempsey, Jim—Executive Director, Center for Democracy and Technology *testified twice
9. Edgar, Timothy—National Security Policy Counsel, American Civil Liberties Union
10. Fine, Glenn A.—Inspector General, United States Department of Justice
11. Fitzgerald, Patrick—U.S. Attorney, Northern District of Illinois
12. Gonzales, Alberto—Attorney General of the United States
13. Hulon, Willie T.—Assistant Director of Counterterrorism Division, Federal Bureau of Investigation
14. Kadidal, Shayana—Staff Attorney, Center for Constitutional Rights
15. Katsas, Gregory—Deputy Assistant Attorney General, United States Department of Justice
16. Kerr, Orin S.—Associate Professor of Law, The George Washington University
17. Khuzami, Robert S.—Former Assistant U.S. Attorney, Southern District of New York
18. Kris, David—Vice President for Corporate Compliance, Time Warner Corporation
19. Mac Donald, Heather—John M. Olin Fellow, The Manhattan Institute
20. Martin, Kate—Director, Center for National Security Studies
21. Martinez, Steven M.—Deputy Assistant Director of Cyber Division, Federal Bureau of Investigation
22. McCaul, Michael—U.S. Representative & former Chief of Counterterrorism and National Security for the U.S. Attorney's Office in Western Judicial District of Texas
23. Moschella, William—Assistant Attorney General, United States Department of Justice
24. Nojeim, Gregory T.—Associate Director/Chief Legisaltive Counsel, American Civil Liberties Union *testified twice
25. Parsky, Laura H.—Deputy Assistant Attorney General, Department of Justice
26. Pearlstein, Deborah—Director, U.S. Law and Security Program
27. Pitts, Chip—Chair of the Board, Amnesty International USA
28. Rosenberg, Chuck—Chief of Staff to Deputy Attorney General, United States Department of Justice *testified twice
29. Sabin, Barry—Chief of the Counterterrorism Section for the Criminal Division, Department of Justice *testified twice
30. Spaulding, Suzanne—Managing Director, the Harbour Group, LLC
31. Sullivan, Michael—United States Attorney, District of Massachusetts
32. Swire, Peter—Professor of Law, Ohio State University *testified twice
33. Tapia-Ruano, Carlina—First Vice President, American Immigration Lawyers Association
34. Wainstein, Kenneth L.—Interim U.S. Attorney, District of Columbia
35. Zogby, Dr. James J.—President, Arab American Institute

Government Witnesses

1. Baker, James A.—Counsel for Intelligence Policy, Department of Justice *testified twice
2. Baginski, Maureen—Executive Assistant Director for the Office of Intelligence, Federal Bureau of Investigation
3. Berry, Matthew—Counselor to the Assistant Attorney General, United States Department of Justice
4. Buchanan, Mary Beth—United States Attorney, Western District of Pennsylvania
5. Comey, James B.—Deputy Attorney General, United States Department of Justice
6. Fine, Glenn A.—Inspector General, United States Department of Justice
7. Fitzgerald, Patrick—U.S. Attorney, Northern District of Illinois
8. Gonzales, Alberto—Attorney General of the United States
9. Hulon, Willie T.—Assistant Director of Counterrorism Division, Federal Bureau of Investigation
10. Katsas, Gregory—Deputy Assistant Attorney General, United States Department of Justice
11. Martinez, Steven M.—Deputy Assistant Director of Cyber Division, Federal Bureau of Investigation
12. Moschella, William—Assistant Attorney General, United States Department of Justice
13. Parsky, Laura H.—Deputy Assistant Attorney General, Department of Justice
14. Rosenberg, Chuck—Chief of Staff to Deputy Attorney General, United States Department of Justice *testified twice
15. Sabin, Barry—Chief of the Counterterrorism Section for the Criminal Division, Department of Justice *testified twice
16. Sullivan, MichaeL—United States Attorney, District of Massachusetts
17. Wainstein, Kenneth L.—Interim U.S. Attorney, District of Columbia

Witnesses Testifying in Their Capacity as Former Government Officials

1. Khuzami, Robert S.—Former Assistant U.S. Attorney, Southern District of New York
2. McCaul, Michael—U.S. Representative & former Chief of Counterterrorism and National Security for the U.S Attorney's Office in Western Judicial District of Texas

Non-Government Witnesses

1. Arulanantham, Ahilan T.—Staff Attorney, American Civil Liberties Union
2. Barr, Bob—Former Member of Congress, Atlanta, Georgia
3. Dempsey, Jim—Executive Director, Center for Democracy and Technology *testified twice
4. Edgar, Timothy—National Security Policy Counsel, American Civil Liberties Union
5. Kadidal, Shayana—Staff Attorney, Center for Constitutional Rights
6. Kerr, Orin S.—Associate Professor of Law, The George Washington University
7. Kris, David—Vice President for Corporate Compliance, Time Warner Corporation
8. Mac Donald, Heather—John M. Olin Fellow, The Manhattan Institute
9. Martin, Kate—Director, Center for National Security Studies
10. Nojeim, Gregory T.—Associate Director/Chief Legisaltive Counsel, American Civil Liberties Union *testified twice
11. Pearlstein, Deborah—Director, U.S. Law and Security Program
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13. Spaulding, Suzanne—Managing Director, the Harbour Group, LLC
14. Swire, Peter—Professor of Law, Ohio State University *testified twice
15. Tapia-Ruano, Carlina—First Vice President, American Immigration Lawyers Association
16. Zogby, Dr. James J.—President, Arab American Institute

Organizations represented

1. American Civil Liberties Union (*3 different witnesses)
2. Center for Democracy and Technology
3. Center for Constitutional Rights
4. Time Warner Corporation
5. The Manhattan Institute
6. Center for National Security Studies
7. U.S. Law and Security Program
8. Amnesty International USA
9. the Harbour Group, LLC
10. American Immigration Lawyers Association
11. President, Arab American Institute

*Not sure how to classify Universities that have professors testifying, since their testimony does not necessarily reflect the views of the institution. Also, was Barr representing anyone?

OVERSIGHT: HOUSE JUDICIARY COMMITTEE OVERSIGHT OF THE USA PATRIOT ACT

OVERSIGHT THROUGH LETTERS TO THE DEPARTMENT OF JUSTICE

House Judiciary Committee sent the Attorney General, John Ashcroft, a letter on June 13, 2002, with 50 detailed questions on the implementation of the USA PATRIOT Act. The questions were a result of extensive consultation between the majority and minority Committee counsel. Assistant Attorney General, Daniel Bryant, responded to Chairman Sensenbrenner and Ranking Member Mr. Conyers on July 26, 2002, providing lengthy responses to 28 out of the 50 questions submitted. On August 26, 2002, Mr. Bryant sent the responses to the remaining questions, after sending responses to six of the questions to the House Permanent Select Committee on Intelligence. Then, on September 20, 2002, Mr. Bryant sent the minority additional information regarding the Department of Justice's responses to these questions.

On April 1, 2003, Chairman Sensenbrenner and Ranking Member Mr. Conyers sent a second letter to the Department of Justice with additional questions regarding the use of pre-existing authorities and the new authorities conferred by the USA PATRIOT Act. Once again, the questions were the product of bipartisan coordination by Committee counsel. Acting Assistant Attorney General, Jamie E. Brown, responded with a May 13, 2003 letter that answered the questions she deemed relevant to the Department of Justice and forwarded the remaining questions to the appropriate officials at the Department of Homeland Security. On June 13, 2003,

the Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, sent responses to the forwarded questions.

On November 20, 2003, Chairman Sensenbrenner and Congressman Hostettler, Chairman of the Subcommittee on Immigration, Border Security, and Claims, sent a letter to the Comptroller General of the Government Accountability Office (GAO) requesting a GAO study of the implementation of the USA PATRIOT Act anti-money laundering provisions. This report was released on June 6, 2005.

OVERSIGHT THROUGH HEARINGS

On May 20, 2003, the Committee's Subcommittee on the Constitution held an oversight hearing entitled, ''Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks.''

On June 5, 2003, the Attorney General testified before the full Committee on the Judiciary at an oversight hearing on the United States Department of Justice. Both the hearing on May 20 and the hearing on June 5 discussed oversight aspects of the USA PATRIOT Act.

OVERSIGHT THROUGH BRIEFINGS

The Subcommittee on Crime, Terrorism, and Homeland Security of this Committee requested that officials from the Department of Justice appear and answer questions regarding the implementation of the USA PATRIOT Act. In response to our request, the Department of Justice gave two separate briefings to Members, counsel, and staff:

During the briefing held on August 7, 2003, Department officials covered the long-standing authority for law enforcement to conduct delayed searches and collect business records, as well as the effect of the USA PATRIOT Act on those authorities.

During the second briefing, held on February 3, 2004, the Department of Justice discussed its views of S. 1709, the ''Security and Freedom Ensured (SAFE) Act of 2003'' and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act.

The Department of Justice has also provided three classified briefings on the use of the Foreign Intelligence Surveillance Act (FISA) under the USA PATRIOT Act for Members of the Judiciary Committee:

On June 10, 2003, October 29, 2003, and June 7, 2005 the Justice Department provided these briefings.

The Department also provided a law enforcement sensitive briefing on FISA to the House Judiciary Committee Members and staff on March 22, 2005.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I would suggest that we do not have to sunset all the legislation going through this Congress, but we have to pay particular attention to that legislation that affects the civil liberties of our people. And if we are going to in some way expand the power of government over our people in time of war because it is necessary, that should be sunsetted once the war is over. By permanently changing America, we are not furthering the cause of freedom in this country.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN), a former member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Chairman, I rise today to oppose H.R. 3199. As the gentleman just mentioned, I was a member of the Committee on the Judiciary on September 11, 2001. And in the weeks that followed, I joined my colleagues in committee to carefully craft a bill to give law enforcement personnel additional and powerful tools to fight terror. But as many of you recall, the work product of our committee was rejected at the eleventh hour in favor of a far more expansive act which has continued to raise concerns among those who cherish our constitutional liberties.

Through the PATRIOT Act and other anti-terrorism measures, we have become a country that permits secret surveillance, secret searches, denial of court review, monitoring of conversations between citizens and their attorneys, and searching of library and medical records of citizens. This does not sound like America to me.

Mr. Chairman, reauthorization of this act is an opportunity; it is an opportunity to restore the checks and balances that must exist in a free society. I urge my colleagues to vote ''no'' to allow us that chance.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, September 11 made it clear that the world had changed, that our law enforcement and intelligence agencies needed to change accordingly.

Democrats and Republicans agreed on the need to update the tools necessary for law enforcement to address the threat of terrorism on American soil. What started as an effort to protect our country from terror has become a virtually uncontrolled vehicle for government to invade the privacy of every American.

It was with that possibility in mind that the Congress included in the PATRIOT Act a provision requiring a review after a few years to determine which parts should be retained, which parts should be modified, and which should be repealed. It is evident to me and to many Americans that the PATRIOT Act is inadequate in its protection of civil liberties.

Section 206's blanket, roving wiretaps, section 213's sneak-and-peek searches, and section 215's expansive power allowing the government to obtain any piece of information on any American are just three examples of how the PATRIOT Act is out of control.

Last week, the Committee on the Judiciary met to address these and other issues in an attempt to bring back some balance to the law enforcement power and civil liberties. Democrats on the committee offered dozens of amendments in an attempt to control this bill and bring balance to it. Virtually every single one of these amendments was rejected on a party-line vote. Most troubling was the extension of sunsetted provisions that should have been allowed to expire or at least require reauthorization in the next 4 years.

Periodically revisiting the PATRIOT Act is a good thing. To preserve our commitment to making the best and most up-to-date assessment of our law enforcement and intelligence policies, we should include more, not fewer, sunsets and make them shorter, not longer.

The PATRIOT Act was an effort to answer the most difficult question our democracy faces: How much freedom are we willing to give up to feel safe? Too much freedom, giving up too much power given to the Justice Department.

Today we are asking not to hinder the pursuit of terrorists, but to return some sanity and balance to the law.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we have heard another attack on delayed notification or sneak-and-peek warrants. Let me tell you what has happened earlier this month. A U.S. district judge in Washington State executed or authorized a delayed-notification warrant to look into a building on the U.S. side of the northern border. And what was discovered but a rather sophisticated tunnel between Canada and the United States to smuggle contraband, and perhaps terrorists, through the border and into this country without being detected by our border patrol.

Using a delayed-notice search warrant, the DEA and other agents entered the home on July 2 to examine the tunnel. Shortly thereafter, a U.S. district judge authorized the installation of cameras and listening devices in the home to monitor the activities in the home.

Using these twice, Federal, State and local law enforcement officials observed multiple trips by three defendants through the tunnel carrying large hockey bags or garbage bags. These bags were loaded into a van on the U.S. side and driven south for delivery.

Ninety-three pounds of marijuana were found in these bags when the Washington State Patrol stopped the car. That never would have happened without a delayed-notification warrant. And if they can bring 93 pounds of marijuana in, they can bring terrorists in as well.

These warrants are good. They protect us. They ought to be kept.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SWEENEY). The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 15 minutes of debate from the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

□ 1400

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS), the only

former FBI member on the Permanent Select Committee on Intelligence.

Mr. ROGERS of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time and for his great work on this, and I want to thank my friends on the Democrat side of the aisle for the work they have given for the PATRIOT Act. Thanks for at least bringing this debate up.

Mr. Chairman, as a former FBI agent, I had occasion to work some pretty bad folks in the City of Chicago in working organized crime and public corruption. I developed the sources for wiretaps and applied wiretaps for things like murder and extortion, gambling, prostitution, racketeering, child pornography.

There was a case of a child pornographer who was producing child pornography tapes where we used the legal system, a legal instrument, through due process of law, to get records that we needed from businesses, from his home, from other places to make sure that we could find the entire network of distribution of criminals who were preying on our children. America said something interesting. The people of America said, you know, Agent Rogers, at the time we trust you, but we trust our Constitution more, so you have to follow the law. You have to follow the Constitution even to go after these child molesters and people who are promoting child pornography, people who are involved in murder and racketeering. And we did, and we used the law as we knew it to put somebody in jail.

We said if a child molester goes into the library and sits down next to your child, there is going to be no safe haven in America. We are going to use due process according to the Constitution and make sure our children, our libraries, our personnel are safe. We used that before the PATRIOT Act got here.

I worked a bombing case where they were trying to sell bombs to individuals who were blowing up other gangsters; gangsters blowing up gangsters and gangsters blowing up strip clubs and other things to gain influence over them. We used all the processes, including a delayed search warrant, because we needed to know who they were getting their materials from. We used due process under the Constitution and we brought them to justice. And America is grateful for that, and it made an impact. And we never, ever, ever once deviated from the Constitution.

This whole debate is almost ridiculous, Mr. Chairman. All we do in the PATRIOT Act is say, look, if we can go after child molesters sitting in the library and bombers who we need to sneak and peak on a warrant, we ought to be able to go after terrorists. That is all the PATRIOT Act did. There is no subversion of the Constitution, no suspension of the Constitution.

Mr. Chairman, it is maddening to me that somebody in America and in England and around the world is getting up in the morning thinking, I am going to kill somebody in an act of terror, and that we somehow fiddle while Rome is burning and argue should it be 10 years or 5 years on a renewal or a sunset. This is ridiculous. We have people who are committed to killing Americans today. We are at war. This bill helps protect America and does not suspend the Constitution of the United States.

For those who argue there are some emergency powers in here, you are wrong. You should get up and argue against the criminal code every day on this floor, and you should put in bills to remove our ability as agents of the FBI to do that. You do not because it is legal and it is proper under our Constitution.

Mr. Chairman, we must support this act. We must do it today for the future safety of the United States of America.

Ms. HARMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the London attacks this morning, be they copycat terrorism or yet another al Qaeda attempt, are one more reminder of how vulnerable we are. We need effective tools to combat terrorism. The terrorist threat is real, and if we are going to demand that the FBI uncover terror cells in the U.S., we need to give them the tools to do that.

The al Qaeda organization that attacked us on 9/11 has changed. It is no longer a top-down centralized terror group planning acts from overseas. Instead, we face a loose network of homegrown terror cells, or what I call franchise terrorism. Their attacks draw inspiration from al Qaeda, but they act independently, making it tougher to disrupt their plans.

I want to make two points about the PATRIOT Act. First, it gave law enforcement some important new legal authorities. But new legal authorities, Mr. Chairman, on their own, will not protect us from terrorism. We need to shift priorities, to develop better strategies and devote greater resources to protect our soft targets, like rail, subways, and ports, and that we have not yet done.

Second, on the issue of reauthorizing the 16 provisions that are sunsetting, my view is ''mend it, don't end it.'' The PATRIOT Act was passed 45 days after 9/11, with little debate. We were bracing for more terror. The invasion of Afghanistan had begun and Capitol Hill was hit with anthrax attacks. Congress did a fairly decent job, and I supported the bill, but we can do better.

We should reauthorize the PATRIOT Act, which modernized law enforcement tools, but we should clarify and tailor the authorities so that the government does not have a license to engage in fishing expeditions for your personal information or conduct FBI surveillance on innocent Americans.

The bill on the floor today is better than the original PATRIOT Act. And if some of the amendments we will consider pass, it will be even better. But my colleagues on the Permanent Select Committee on Intelligence will describe in a moment amendments which we offered in committee and before the Committee on Rules. Those amendments are solid, moderate, and bipartisan, and they should be able to be debated today. The good news is that the Senate Judiciary Committee, on a bipartisan basis, has just reported a bill that includes many of them. That bill, I hope, will serve as the model in conference committee. That bill could have been the House bill.

In conclusion, protecting America from terrorism is not a Democrat or Republican issue, it is an American issue. As I have often said, the terrorists are not going to check our party registration before they blow us up. So when we defend America, let us forget party labels and focus on what will provide security and liberty for the American people. Balancing liberty and security is not a zero sum game. You either get more of both or less. The American people deserve more of both.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

I listened to my colleagues on the committee, the gentlewoman from California (Ms. HARMAN), the gentleman from Massachusetts (Mr. DELAHUNT), and also the gentleman from California (Mr. ROHRABACHER), and they have legitimate concerns. I do not think there is anybody in this body on either side of this issue that does not have concerns. I would like to see, in particular, a sunset provision, although I do not know what the timing should be. God willing, there should be a day we will not need a PATRIOT Act, and it is easier to vote it back than it is to get rid of it.

Mr. Chairman, 26 nations have been attacked by al Qaeda, and we just saw today England, but look at France and Japan. It also tells us the United States is behind in its security for our mass rail and bus transportation systems, not just aviation but those as well.

Let me cite an example of what happened before 9/11 and how the PATRIOT Act, in my opinion, would have stopped an event, not just may have.

Agencies knew of an outspoken extremist group. They were outspoken in support of Osama bin Laden before 9/11, and they were outspoken about their ethnic intolerance and raising money for al Qaeda. Agencies like CIA, FBI and law enforcement had thousands of leads and limited manpower. Their primary issue at the time was getting out two agents in a foreign country that were under extreme conditions. They were concerned also about if they questioned this group that they would be taken to court on profiling. The rhetoric was there, but no action. The FBI and the CIA were limited in their ability to check out this group.

Mr. Chairman, this particular group was the group that was training in Arizona, the pilots and the crews that flew into New York City, that flew into the Pentagon, and that crashed in Pennsylvania. Mohammed Atta is another example. His roommate, the limitations that our agencies had on questioning him, he knew about the 9/11 bombings, is another reason why I think that we need this act.

I am conflicted, just like my colleague, the gentlewoman from California (Ms. HARMAN) and others, because there are things that all of us are concerned about. But Khalid Sheik Mohammed is the guy who planned 9/11. We caught this rascal. His replacement was a guy named Abu al-Libbi, and we caught that rascal. And some of the documents showed that it is only a matter of time, Mr. Chairman, until this country is hit, so we must be diligent. This act helps us do that, and weighing the concerns and is the reason I think all of us need to support the PATRIOT Act.

Ms. HARMAN. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. REYES), a member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me this time on this very important issue. I also rise, like my colleagues, understanding that we face a situation that is potentially very dangerous, especially given the events of this morning again in London. But I also think it is important and prudent that we craft legislation that protects our country not just from the terrorists but also from abuses.

I rise today, Mr. Chairman, to express my disappointment with this House for not allowing my fellow colleague on the Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. HASTINGS), to offer an amendment which is important to H.R. 3199, the USA PATRIOT Act reauthorization. His amendment would have extended until 2010 the sunset date of section 6001 of the Intelligence Reform and Terrorism Prevention Act, also known as the ''Lone Wolf'' provision. Instead, the bill before us makes that provision permanent. It has only been in effect for 7 months, which is, in my opinion, an inadequate amount of time for the government and the public to assess the impact this significant expansion of government authorities has.

We are having this debate today, Mr. Chairman, because 4 years ago Congress had the wisdom to include sunset provisions in the PATRIOT Act. These sunsets are key to ensuring individual rights and liberties as well as allowing Congress to continue to evaluate the effectiveness of this act.

Mr. Chairman, I understand the need for this legislation, and I will support the passage today. However, I hope that my colleagues understand that if we are to continue much further down this road we may be doing irreparable damage to civil liberties in this country without sunset provisions.

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), another member of the committee.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue.

Over the last several months, the Committee on the Judiciary has had numerous oversight hearings, as has the House Permanent Select Committee on Intelligence, to look at the PATRIOT Act and see where we need to improve it and what we need to do to extend the expiring provisions.

My colleague from southern California said that we should have sunsets on this because once we have peace we should not have these provisions. Once the war is over. Once the war is over.

The war against foreign terrorists and spies will not end, any more than the police's efforts to combat organized crime or drug kingpins. The tools that we have put into the PATRIOT Act are identical to the tools that law enforcement have had for a long time in criminal cases, but we did not have those authorities in foreign intelligence and counterterrorism cases.

There are plenty of myths about the PATRIOT Act, and I think we need to put a few of them to rest. One of them is the myth that the local sheriff can go into your library and find out what you have been reading. They cannot. Under the PATRIOT Act, they need a court order in order to get any business records or library records or anything else, under the supervision of a Federal judge. And it has to be as part of a foreign terrorist investigation or counterintelligence investigation against foreign spies. It is directed not against Americans but against those who might come to this country to do us harm.

The most important thing that the PATRIOT Act did was to break down the walls between law enforcement and intelligence to be able to share information across that wall in order to protect us before the attack comes. The intention of the PATRIOT Act is to prevent the next terrorist attack, instead of just letting the FBI gather the criminal evidence to convict somebody after thousands more have died.

□ 1415

We need to reauthorize this act, and we also collectively as Americans need to dispel the myths about the act and make some important strengthening of the act so that in the future it can continue to protect us.

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL), a valued member of the Permanent Select Committee on Intelligence and the only one of us successful enough to get his language adopted in the bill before us today.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman for yielding me this time to discuss this very important issue.

The PATRIOT Act has sparked important discussion about protecting ourselves from terrorists and protecting our civil liberties. It is clear we can make reforms to better ensure we are giving law enforcement all of the tools they need while maintaining the appropriate safeguards to protect the very freedoms we cherish.

Last week as the ranking member of the Subcommittee on Human Intelligence with the gentleman from California (Mr. CUNNINGHAM) as the chairman, I was able to include a reform so the PATRIOT Act ensures greater judicial oversight of government wiretaps. The so-called John Doe roving wiretaps are a critical tool in our efforts to fight terrorism because they allow surveillance when neither the target's identity nor location of the interception is known.

This amendment allows these wiretaps to continue, but requires the government to report back to the courts with an explanation of the facts and circumstances surrounding the rationale of the wiretap. This will allow greater oversight of the wiretaps without impeding the government's need to obtain information on potential terrorist plots quickly. If we focus on commonsense reforms, we can protect our communities from terrorists, and we can protect our civil liberties.

Mr. HOEKSTRA. Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), a member of the Permanent Select Committee on Intelligence.

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

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

One of the most prudent things, in my view, that Congress did in passing the original PATRIOT Act was to sunset certain provisions, thus ensuring that a future Congress would review and revise them and have a very healthy and sobering debate. Rather than sunsetting these provisions again, this bill makes permanent 14 of the 16 provisions set to expire without addressing the important civil liberty issues.

I am somewhat taken aback as I listen to different parts of the debate on the floor. One would think that the Constitution is something that can be set aside when it is not convenient to follow. The Constitution is the soul of our Nation. There are magnificently written constitutions around the world, but their countries do not heed their constitution. The American people take our Constitution seriously.

And so this debate, not allowing the sunsets in the future, I think is very, very important to bring up today. The

bill continues to allow the FBI to get financial, telephone, Internet and consumer records relevant to an intelligence investigation without judicial approval.

Prior to the PATRIOT Act, these requests had to be directed at agents of a foreign power. Under the PATRIOT Act, they can be used against anyone, including American citizens.

The bill continues to allow the FBI to execute a search and seizure warrant without notifying the target of a warrant for 6 months if it is deemed that providing advance notice would interfere with the investigation. This section is not limited to terrorism investigations and is not scheduled to sunset.

The bill does not sufficiently address the issues in section 206 which deal with the roving John Doe wiretaps. Under the PATRIOT Act, the FBI can obtain a warrant and intelligence investigations without identifying the person or the phone in question.

This bill dose nothing to protect library records and bookstore receipts. I offered an amendment in the Intelligence Committee to modify Section 215 of the PATRIOT Act to prohibit the FBI from using this section to obtain library circulation records, library patron lists, book sales records, or book customer lists, but the amendment was not allowed by the Rules Committee.

In conclusion, the American people love and cherish their liberties, and they want and deserve to be safe. I think we can do both. I do not believe this bill does both. We need a better bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I appreciate the gentleman yielding me this time.

Over the past 3 years, the PATRIOT Act has played a key role in the prevention of terrorist attacks right here in the United States. Prior to the PATRIOT Act, the ability of government agencies to share information with each other was limited, which kept investigators from fully understanding what terrorists might be planning and to prevent their attacks.

The U.S. Attorney for the Northern District of Indiana, Joseph Van Bokkelen, explained, ''If an assistant U.S. Attorney learned through the use of a grand jury that there was a planned terrorist attack in northern Indiana, he or she could not share that information with the CIA.''

The PATRIOT Act brought down the wall separating intelligence agencies from law enforcement and other entities charged with protecting the Nation from terrorism. It has given law enforcement the tools they need to investigate terrorist activities while striking a delicate balance between preventing another attack and preserving citizens' constitutional rights. And to date, there has not been one verified case of civil liberties abuse.

Mr. Chairman, I urge my colleagues to join me in supporting the reauthorization of the PATRIOT Act and to give our government the tools it needs to succeed in the war on terrorism.

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), another valued member of our committee.

Mr. HOLT. Mr. Chairman, I rise in opposition to the PATRIOT Act. Even if all of the amendments before us today are passed, it will not bring this bill into the shape that it should be.

We worked on this in the Permanent Select Committee on Intelligence. I am sorry to say that most of our reasonable amendments were voted down on a party-line basis. But to make matters worse, even those improvements made in the Permanent Select Committee on Intelligence did not find their way through the Committee on Rules to the floor. So I remain deeply concerned about what this bill does to the American people.

The police and prosecution powers of government are among the most important powers for preserving life and liberty, but they are also among the most fearsome. Section 213, the so-called sneak-and-peek searches, it would allow investigators to come into your home, my home, take pictures, seize personal items, and when they discover they have made a mistake, there is no time in which they have to notify you that they have been there. One does not have to be a paranoid to be concerned that somebody has been in your house.

Members might say it only applies to terrorists; it does not apply to law-abiding citizens like you and me. Well, tell that to Brandon Mayfield, tell that to the Portland attorney who was detained by investigators under the PATRIOT Act. Now, the FBI in that case apologized, but this is something that hits home, and we have a responsibility to preserve the freedoms of people at home.

Mr. Chairman, I rise today in opposition to the reauthorization of the PATRIOT Act. As you know, the PATRIOT Act was passed in the aftermath of the attacks of September 11, 2001. The Act was an immediate reaction to the state of shock the country was in—being drafted, briefly debated, approved, and signed into law by October 26, 2001, just weeks after the attacks. At the time I, and many other Members of Congress, voted for the Act under the condition that a number of the provisions contained within it would sunset and thus would need to be reviewed and reauthorized.

The police and prosecution powers of the government are important and necessary to preserving life and liberty, but they are also the most fearsome powers of government and, if abused, can rob us of life and liberty. For generations, thousands upon thousands of people have come to America's shores to be free of the oppressive hand of authorities in other countries, to be free of the fear of the knock on the door in the middle of the night, to be free of the humiliation and costs and stigma of inappropriate investigations.

As the only Member of Congress from New Jersey, a state which suffered great loss on September 11th, on the House Permanent Select Committee on Intelligence, I looked forward to working within the committee during our mark up of the PATRIOT Act to address a number of valid concerns that have arisen over the last few years about the sun-setting provisions. However, most of the important amendments that were offered were defeated on party lines. And what we did accomplish—the improvements we made—did not make it through the Rules Committee for consideration on the floor.

I remain deeply concerned about many of the provisions in the PATRIOT Act as reported to the House, but I would like to specifically discuss two of them. I am deeply troubled by Section 213, which will be permanently reauthorized by this legislation. The so called ''sneak and peek'' searches allow federal agents to literally go in to your home, my home, anyone's home and conduct a secret search. Investigators can take pictures and even seize personal items or records and unbelievably they do not need to tell you about it for an indefinite period of time. When they discover they made a mistake or they discover you are not engaged in terrorist actions, they are under no obligation to ever let you know promptly.

Another provision of the PATRIOT Act, Section 215, allows investigators broad access to any record without probable cause of a crime. This means that investigators can review your deeply personal medical records and also library records without telling you about it and without any probable reason to do it. Investigators under Section 215 would be able to access all the medical records at a local hospital with only the indication that there may be potentially valuable records contained therein. In other words, most of the records searched are of innocent people, but because there is a terrorist investigation underway or a terrorists records might be somewhere in the batch, they get swept up in the search.

These provisions and many others have a deep impact on the freedoms and civil liberties all Americans. Some will say we need these provisions to track down terrorist and build cases against them. But what goes unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of this that the PATRIOT Act must be understood as affecting all of us. A small number of unnecessary intrusions can have a broadly chilling effect. Proponents of the Patriot bill before us will say that it is directed at terrorists, not law abiding citizens, but they should try to tell that to Mr. Brandon Mayfield of Portland, Oregon.

Brandon Mayfield, a Portland attorney, was detained by investigators last year as a material witness under authority granted by the PATRIOT Act. They alleged that his finger prints were found on a bag linked to the terrorist bombings in Madrid, Spain last year. More so called evidence was collected when his residence was searched, without his knowledge, under Section 213 of the Act. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is no conciliation for a lawyer and Muslim American whose reputation was tarnished by this investigation, made possible by the overly-broad powers granted under the PATRIOT Act. How can we allow this to happen in America? Of course, some mistakes will occur, but this bill strikes the wrong balance and makes those errors more likely.

In 2001, I voted in favor of the PATRIOT Act with reservations, and my reservations have only increased over time. At the time, I said that in the anxious aftermath of the attacks of September 11, 2001, we were likely to get wrong the balance between freedom and security. I insisted on a sunset clause so that the law would expire after several years and Congress would adjust the balance. Because those sunsets were adopted we have an opportunity to revisit this important legislation today. Unfortunately, the Majority has prevented many amendments which have bipartisan support from being offered. These amendments would have helped restore the proper balance between freedom and security that the bill gets wrong. And they would have provided the important sunsets that would force review of the bill in four years.

James Madison, speaking in 1788 before the Virginia Convention (not all that far from where we are today) explained what I believe is the unanswered problem with the PATRIOT Act. He said, "I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." As Madison said over 200 years ago, the liberty and freedoms we as Americans cherish are being eroded today not at the barricade, but in the library, and at our local doctor's office. It is for this reason that I urge my colleagues to vote "no" on the PATRIOT Act.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), a member of the Permanent Select Committee on Intelligence.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for his leadership on this action as well as others that involve the Permanent Select Committee on Intelligence.

I want to remind Members why we are here. We are here because the PATRIOT Act will sunset. It will sunset so we can see if there were any violations of civil liberties during the time it was in effect, which will be approximately 4 years by the end of this year.

There were over 7,000 alleged violations filed by the American Civil Liberties Union, as Members heard before from the gentleman from Indiana. However, we have no violations of civil liberties under the PATRIOT Act. Of those 7,000 allegations, some were under other parts of the law, but none under the PATRIOT Act. So what we are talking about in this bill is sort of splitting hairs.

We have heard comments about how there is no judicial oversight for what is going on. There is judicial oversight for almost everything involved in the PATRIOT Act with few exceptions, like national security letters, which does require a certification of relevance before they move forward.

We use these tools in the PATRIOT Act so we can catch terrorists and prevent acts of violence against American citizens. We use these same tools in other parts of the law, like when we are trying to find patent infringement, when we are trying to catch organized criminals, when we are trying to stop drug trafficking. This is a good law. I hope my colleagues will support it. It does protect civil liberties, and we should pass it.

Ms. HARMAN. Mr. Chairman, to the last speaker, I agree it is good, but I think it could be a lot better.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), the former rookie of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, we are all watching what is happening in London; and with that backdrop, we are discussing reauthorizing the PATRIOT Act today. We are all committed to finding and fighting terrorists. No one party, Democrats or Republicans, has exclusivity over this issue. We are all for stopping terrorists and protecting our citizens.

While we are all committed to this fight, it is still our congressional duty to exercise our oversight responsibilities. We can do this effectively with sunset provisions. Sunset provisions hold Congress accountable for reexamining and determining the effectiveness and impact of the PATRIOT Act.

As a member of the Permanent Select Committee on Intelligence, I hold this oversight responsibility as one, if not my most, important function. Let me say up front that I think the PATRIOT Act provides essential tools for law enforcement authorities that were not available before the 9/11 attacks. These tools are essential to identifying and tracking terrorists inside the United States.

The House Permanent Select Committee on Intelligence held two open hearings for the PATRIOT Act. These hearings led me to conclude that the PATRIOT Act, while good, is not perfect. Additional time is needed to assess many of these provisions' effectiveness and impact on civil liberties, and that is why we need to call for sunsets.

It is clear to me that we still face serious threats and we need some of the powers of the PATRIOT Act. Sunset provisions are important because they allow for review and oversight. Oversight allows us to protect civil liberties; but more importantly, it allows us to enhance law enforcement tools to keep pace with the terrorists.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the Cold War is over and the world is a more dangerous place. The strategy that we used to have of containment, react and mutually assured destruction went out the window on 9/11. Lord, it probably went out earlier, we just did not get it.

We need now to be able to detect in order to prevent, and our intelligence community needs the capability and the tools so they can detect and prevent.

We are not going to be able to harden a subway site, a bus station, a train station. We can have more people, dogs, cameras, lights, we can do a lot of things to help, but we cannot stop it unless we have the tools. We do not want to use the criminal means to go after terrorists because you have to wait until the crime has been committed. We want to prevent not a crime from being committed; we want to prevent a terrorist attack from being committed. So give them the tools.

The PATRIOT Act does it. We have seen it operate for 4 years. It has been amazing how well it has operated.

When people talk about libraries, why in the world would we want to make a library a free terrorist zone? We allow our forces to go in for a crime in a library. Why should they not be allowed to go in for a terrorist issue?

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the devastation of 9/11 shook our collective consciousness to the core; but it should not have shattered the foundation that defines who we are as a people and serves as a beacon of individual rights and liberties throughout the world.

Our Nation has been able to overcome the challenges of the past by proving to ourselves and to the world around us that our rights and our values are the indispensable conditions of being an American. If we allow the threat of fear and terror to undermine our civil liberties, we will have failed not only the Founding Fathers who bestowed upon us the philosophical foundations of this great Nation, but more importantly, we will have failed the future of America as the last great hope of mankind.

□ 1430

Mr. Chairman, an unforeseen consequence of these infringements on American citizens' civil liberties is the erosion of our standing as the international leader of the rights of people. With each fundamental mistreatment of our own citizenry, we broadcast an image around the world that will, in fact, come back to haunt us. We will become what we deplore: a hypocritical pseudo-democracy of freedoms granted from the government down instead of from the people up.

Mr. Chairman, do not rewrite our precious Bill of Rights. Vote against this bill just as our Founding Fathers would have.

Mr. HOEKSTRA. Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I voted for the first PATRIOT Act, and I strongly supported the creation of the Homeland Security Department and have voted for every large increase in intelligence, homeland security funding, and defense funding.

But I am very troubled here. I am very troubled by the fact that we are

eliminating the sunsets. I am very troubled by the fact that the administration and the leadership here are just going full steam ahead without listening to the very sincere problems that many of us have with the erosion of civil liberties. I do not think we should be trying to save our freedom by killing the safeguards that keep our liberties. These are very serious issues.

The FBI can get a court order to demand confidential medical and financial records and gag their doctor or banker from telling them. They can even search people's homes and not tell them until weeks or months later. We have had many colleagues talk about the problems with library records and bookstore records. These are very serious civil liberties problems.

And it is not on the abstract. There are people like me who support a strong defense. There are people like me who support strong intelligence and homeland security funding. But this is a balancing act, and my fear is that we have gone too far.

The administration should listen to us, have a moderate bill, have sunsets, and then we could all vote for this bill.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as prior speakers on our side have made clear, we should be mending it, not ending it. That is my view under this legislation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), minority leader and my predecessor as ranking member on the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I salute her for her extraordinary leadership on issues relating to the national security of our country, her excellent leadership as the ranking member on the Permanent Select Committee on Intelligence, and her important comments today.

I also salute the gentleman from Michigan (Mr. CONYERS) and commend him for being such a guardian of our Constitution. Mr. Chairman, we take an oath of office to protect and defend the Constitution. No one is more committed to that oath than the gentleman from Michigan (Mr. CONYERS). I thank him for his tremendous leadership.

I join them and each and every one of our colleagues in expressing our admiration for the people of Great Britain for their strength and their courage. Together our two nations will defeat terrorism, and we will do so by pursuing real security measures and by providing law enforcement the tools they need.

Mr. Chairman, as we close debate on this important bill, I want to thank again the gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. HARMAN), and so many other colleagues on both sides of the aisle for their thoughtful consideration of this very important matter. I am very impressed by the comments of the gentleman from Virginia (Mr. BOUCHER), who has contributed enormously to this debate.

Our first responsibility to the American people is to provide for the common defense, to protect and defend the American people. In doing so, we must also protect and defend the Constitution, as I mentioned. We must pursue real security measures that prevent terrorism. We must make a strong commitment to homeland security. And we cannot, because of any negligence in terms of protecting the American people in terms of homeland security, take it out on their civil liberties.

Our Founding Fathers in their great wisdom understood the balance between security and liberty. They lived at a time when security was all about homeland security. The war was fought on our shores and continued into the War of 1812 here. And so they knew that in order to have a democracy and to have freedom and to have liberty and to ensure it and to protect the people, they had to create that balance.

Today we are considering the extension of certain provisions of the USA PATRIOT Act. I want to add my voice to those who have made it clear to this body that the PATRIOT Act is the law of the land. Ninety percent of it is in the law. About 10 percent of it, 16 provisions, are what we are considering today. They are the provisions that were considered controversial 4 years ago when the bill was passed. And because they were controversial, in a bipartisan way, these provisions were sunsetted. There was a limit to how long they would be in effect. I supported the bill because of these sunset provisions and because of the rigorous oversight that was promised.

We have not seen that oversight. It simply has not happened in an effective way. And today there is an attempt on the part of the Republicans to eliminate the sunset of 14 of the 16 provisions and on the two remaining provisions to have a sunset of 10 years. That is a very, very long day when you are curtailing the liberties of the American people.

I again listened intently to the gentleman from Virginia (Mr. BOUCHER) when he described in detail the serious constitutional issues concerning section 505, national security letter orders, by which government possesses power to seize citizens' medical and other personal records without notice, without the ability to challenge these orders, and without meaningful time limitations. And for this reason, I will join the gentleman from Virginia (Mr. BOUCHER) in opposing this legislation but with the hope that it will be improved in conference and then, when it comes back to this body, that we will be able to all support a PATRIOT Act extension that protects the American people, gives law enforcement the tools they need without seriously curtailing the privacy and civil liberties of the American people.

I think it is important to note that the bill before us fails to ensure accountability. Again, when Congress voted for this 4 years ago, Members clearly understood that it would be accompanied by strong congressional oversight so that the implementation would not violate our civil liberties. In fact, the Attorney General has admitted that the information on its use of the PATRIOT Act has not been forthcoming to Congress in a timely manner. If not for the sunset provisions, there is no doubt that Congress would not have even received insufficient information we have received to date.

Today we are deciding whether the government will be accountable to the people, to the Congress, and to the courts for the exercise of its power. It is about whether broad surveillance powers that intrude on Americans' privacy rights contain safeguards and actually materially enhance security to target terrorists and those who wish to harm the United States, not needlessly intrude on the constitutional rights of innocent and law-abiding American citizens.

Unfortunately, Republicans refused to permit amendments that would have extended the sunset by 4 years and created sunsets for the national security letter provisions to ensure that these provisions would never be abused. Perhaps they thought that these amendments would have been too appealing to the many Members of this House on the Republican side who are strong supporters of privacy rights for the American people and they did not want these amendments to pass. For whatever reason, the American people are not well served by not having as open a debate with the opportunity for these sunset provisions to be considered. These amendments should have been considered as a minimum part of any effort to improve the PATRIOT Act and this bill.

USA today said in an editorial: ''Congress has an opportunity to . . . ensure'' that these provisions ''remain temporary, the best way to monitor the law's use and keep law enforcement accountable.''

We have a duty to protect the American people from terrorism but also to protect law-abiding citizens from unaccountable and unchallengeable government power over their personal lives, their personal records, and their thoughts. Because I believe this bill fails to meet these objectives, as I said, I will oppose it today with the hope that there will be an improved bill coming from the conference committee.

Again, our Founding Fathers left us with the ever present challenge of finding the balance between security and liberty. It is the story of America. We must honor their legacy in however we vote today. I would hope that even those who support the bill do so in the hope that it will come back a better bill from conference. All Members should honor their oath of office and

carry out their duty to protect and defend our Nation while protecting and defending our Constitution and our civil liberties.

I thank all who have participated in this very important debate and hope that at the end of the day, and I hope it is not a day with a very long sunset, but at the end of the day that we can all get behind a PATRIOT Act extension that does respect the civil liberties of the American people.

Again, I remind my colleagues, the PATRIOT Act is the law. The sunsetted provisions are what are being considered today. The sunsets, by and large, have been removed or extended to such an extent that they do not even matter, and we can do better. We have an obligation to do better for the American people.

Mr. HOEKSTRA. Mr. Chairman, as we close general debate on the U.S. PATRIOT Act, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the author of the bill, chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding me this time.

After listening to the speech of the distinguished minority leader, I have reached the conclusion she has not read the bill. She has not looked at the oversight that the Committee on the Judiciary has done over the last 3½ years.

We have an oversight record of bipartisan letters sent to the Justice Department, Inspector General's reports, and hearings that have a stack of paper that is about 2 feet high. In this bill we have had 12 hearings with 35 witnesses, people who have come from all over the spectrum; and 13 of the 16 sections of the PATRIOT Act that are sunsetted are not controversial. The three controversial sections, two of them are sunsetted; the third one, as a result of some of the testimony, has been amended, and that is the delayed notification warrants.

The fact of the matter remains that no federal court has found that any of the 16 sunsetted sections are unconstitutional, and the Inspector General, who is required by the PATRIOT Act itself to report to the Congress twice a year, has not found any civil liberties violations.

Let us stick to the facts. Let us stick to the result of the oversight. Let us stop the hyperbole. And let us stop the scare tactics that seem to surround the debate of those who are opposed to this law for whatever purpose.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

The greatest responsibility of the intelligence community is to protect our country from attack. Today's debate should flow from this simple premise which should not be controversial, contentious, or partisan.

The 9/11 attacks have led us to war, to war with an unconventional enemy that hides literally around the globe. The full energies of the intelligence community are directed to finding and monitoring that enemy abroad, but our most pressing and immediate concern is with those foreign terrorists who may be even closer to home, those within the borders of the United States. The USA PATRIOT Act has provided basic and fundamental tools to investigators to help them find foreign spies and terrorists who may seek to harm our Nation.

The continued acts of alleged terrorism in London today should continue to highlight the urgency of these efforts and the critical nature of the PATRIOT Act authorities. Within days of the first London bombings, British authorities were able to rapidly identify the bombers and follow their trail to other terrorists. The PATRIOT Act would be essential to do the same in the United States to investigate or prevent an attack.

□ 1445

By now, you have all seen the chilling photograph of the very first group of London bombers to gather in a rail station. In the United States the authorities of the PATRIOT Act likely would have been used to obtain that photograph.

In the London investigation, there has been extensive cooperation between the London Metropolitan Police and the British intelligence agencies. In the United States, that cooperation would not be possible without the PATRIOT Act.

British investigators then obtained leads from a terrorist phone to tie them to the coconspirators of the first group of bombers. In the United States, the authorities of the PATRIOT Act likely would have been used to obtain those records.

Mr. Chairman, our counterterrorism investigators in the intelligence community can do truly remarkable work to find terrorists and to piece together the puzzle of their networks, but to do that they need modern legal authorities to deal with modern threats.

Behind all the rhetoric, the PATRIOT Act is simple, sensible, reasonable and necessary. I urge all Members to support the intelligence community in its effort to fight terrorism. Support this bill and keep America safe.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise today to oppose H.R. 3199, the USA PATRIOT and Terrorism and Prevention Reauthorization Act. I want to emphasize at the outset that I share the concern of my House colleagues that it is essential to protect our Nation and its citizens from terrorists seeking to harm our homeland and its citizens. I agree with my colleagues that no safe harbor should be available to terrorists. There should be no doubt that I wholeheartedly support enabling law enforcement officials with the authority to surveil and prosecute terrorists. But it is critical that we resist the temptation to develop laws that assault the constitutional protections afforded to Americans.

I am alarmed about the scope of a number of provisions in the bill that are likely to lead to the abuse of personal freedoms enjoyed by Americans. Section 215, Seizure of Records, causes me great concern. This provision allows the FBI, based on the premise of conducting a terror investigation, to obtain any record, after receiving approval from a secret Foreign Intelligence Surveillance Act, FISA, Court. My concern is that law enforcement agencies can engage in such activity without meeting the standard legal threshold of "probable cause", thereby leading to potential cases of abuse.

I am also very concerned about the ability of law enforcement agencies to conduct "Roving John Doe Wiretaps". Under this scenario, criminal investigators can obtain wire tap authority to employ devices that roam with someone who has been designated as involved in terrorist activity; that device can be attached to an instrument that can be transported through multiple jurisdictions.

Section 213 that allows for "Sneak and Peek" authority related to searches and seizures. This is a provision that allows for run-of-the-mill criminal investigations to be employed while conducting the war on terrorism. The problem with this provision is that 90 percent of the searches are used for drug and fraud cases and not for terrorism. I am concerned about the lack of oversight that could apply to these types of investigations.

I recognize that some of the provisions of the PATRIOT Act have served a useful purpose and are scheduled to end. The process of reviewing provisions and determining whether to extend them allows the House to evaluate the effectiveness and appropriations of the provisions. Two of the provisions in this bill are now being scheduled to extend for 10 years as opposed to the 4 years in the expiring legislation. In this scenario, a flawed provision could extend 6 years beyond the normal time frame. Fourteen sections of H.R. 3199 bill will become permanent, and will have virtually no oversight.

I continue to have great reservations about the use of National Security Letters, NSLs. National Security Letters are applicable within Section 505. The NSLs deny individuals due process by barring targets of investigations access to court and the right to challenge the NSLs. The NSLs allows institutions, i.e. banks, Internet Service Providers, ISPs, to divulge critical information about individuals under investigation. Private information about an individual can be shared with law enforcement, but the organization would be "gagged" from revealing its efforts. This is a terribly flawed and wrong process.

Mr. Chairman, I content that it is essential to protect the constitutional rights of American citizens as we engaged in the ongoing war on terrorism. I urge my colleagues to stand up for the Bill of Rights and resist the temptation to curtail those rights in our collective pursuits to develop legislation to counter the threats posed by terrorists. My review of H.R. 3199 causes my great concern that we are undermining the civil liberties of Americans. I stand as a patriot for America and our Constitution, and in opposition to H.R. 3199. I urge my colleagues to join my in defeating this measure. I support sending this over-reaching legislation back to committee, and ask the Judiciary Committee to come back with a better bill that does not shed our civil liberties that are guaranteed in the Constitution. It is vital that we

address terrorism specifically, while simultaneously ensuring that these statutory provisions continued to be forced to comply with the legal threshold of probable cause.

Mr. DEFAZIO. Mr. Chairman, as we learned here on 9/11 and in London today and on 7/7, we must crack down on terrorism, and we must ensure that law enforcement officials have the tools they need to assess, detect and prevent future terrorist attacks. However, I don't believe we have to shred the Constitution and Bill of Rights in order to fight terrorism. We must be vigilant that the rights and liberties we are fighting to protect are not jeopardized in the name of the war against terrorism. Regrettably, H.R. 3199, the USA PATRIOT Act and Terrorism Prevention Reauthorization Act, does not provide adequate protections for the civil liberties of law abiding citizens and I must rise in opposition to the bill.

When the House considered the original USA PATRIOT Act in 2001, I expressed concerns with the bill both for substantive and procedural reasons. And, unfortunately, I have both substantive and procedural concerns with this reauthorization bill, as well.

With that said, I support a number of provisions in H.R. 3199. Law enforcement officials need tools to find and track domestic criminals and international terrorists. Federal law has not kept pace with emerging technological and communications systems, so I support judicially approved wire-taps to obtain email communications and internet records related to potential terrorist offenses.

I also support provisions which authorize law enforcement officials to share information with foreign intelligence officials. Allow judicially approved wire-taps on cell phones and disposable cell phones, permit judicially approved seizure of voice mail and not make permanent the provision making it a federal crime to provide material support to terrorists, among other meritorious provisions.

However, as I mentioned earlier, I also have very serious concerns with a number of other provisions in the bill. Many of the provisions in the bill that expand law enforcement authority to conduct domestic intelligence gathering, either do not require judicial review, or require that law enforcement only assert relevance to an investigation, rather than show probable cause that the information is relevant to a terrorist investigation. These expanded powers go a long way toward tearing down protections that were put in place in the post-Watergate era when we learned of presidential abuses of domestic intelligence-gathering against individuals because of political affiliation or citizen activism.

I am particularly concerned with a provision authorizing national security letters, NSL's, which allow law enforcement officials unlimited access to business and personal records without any sort of judicial oversight. This provision is extraordinarily broad and intrusive and could apply to any tangible records on any and all Americans whether or not they are suspected of a terrorist act. Prior to the Patriot Act, NSL's could be used to get records only when there was "reason to believe" someone was an agent of a foreign power. Now they are issued simply when an agent asserts that it could be relevant to an investigation. According to the Department of Justice, this new power has been used hundreds of times since the USA PATRIOT Act was signed into law in 2001. A Federal court has found this authority to be in violation of the 1st and 4th amendments of the Constitution, but the administration continues to use it, and this bill would sanction this extraordinary expansion of unchecked governmental authority.

I am also concerned that the bill extends the government's so-called "sneak and peek" authority which allows the government to conduct secret searches and seizure of property without notice, in violation of the 4th amendment. This authority has also been used hundreds of times since enactment of the USA PATRIOT Act, including against Brandon Mayfield in Portland who was suspected of being involved in the Madrid bombings. Mr. Mayfield was later exonerated of all charges related to the bombings because it was shown that the FBI based its investigation on incomplete and faulty information. But his life was changed forever as a result of the investigation and intrusive searches, and under this bill, it could happen to other law abiding citizens.

I am disturbed that the bill extends many of these controversial provisions either permanently or up to 10 years, even though Congress has not been properly provided information on the sue of many provisions of the Act to date. Without that information, it is difficult to know how this new law enforcement authority is being used, whether it's necessary at all, or whether it needs to be modified to protect the civil rights and liberties of law abiding citizens. We know of some abuses that have occurred under the act, like the Mayfield case. However, the Administration has refused to provide information on some of the most broad and intrusive powers under the Act, and the bill should provide for adequate disclosure and proper oversight of these provisions, but it doesn't.

Finally, I am concerned that the bill is being brought up with limited debate and amendments. I am particularly concerned that the Republican leadership refused to allow a vote on an amendment to remove library and bookstore records from Sec. 215 of the Act, which grants law enforcement officials the authority to seize business records without notification. A similar amendment was approved by the House of Representatives earlier this summer by an overwhelming vote of 238–187.

I would like to be able to support this bill, and as I said earlier, I support a number of provisions in the bill. I also believe we could have reached an agreement on protections to address most of my concerns with the bill by providing for judicial review and shorter-sunset provisions. Unfortunately, the leadership chose to bring a bill to the floor which simply gives too much broad, intrusive and unchecked authority to the federal government, and does not provide for adequate legislative oversight of how these powers are being used, therefore, I cannot support the bill. I hope the Senate and conference committee will address these concerns.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 3199, the reauthorization of 16 expiring sections of the PATRIOT Act, which weakens the safeguards currently in place to protect innocent Americans from sweeping searches and surveillance by the government.

I am not opposed to the original PATRIOT Act. In fact, I supported the original bill passed in 2001 because it included provisions which were legitimately needed by law enforcement in order to better pursue terrorists. Commonsense improvements have been made to update our intelligence and law enforcement capabilities, and to reflect modern-day realities. These will remain intact, and today's vote will not affect such core provisions of the PATRIOT Act. Whether or not H.R. 3199 passes, 90 percent of the PATRIOT Act will continue to be enforced.

My objection, however, is that H.R. 3199 retains numerous objectionable provisions of the PATRIOT Act that intrude on our privacy and civil liberties, have been subject to repeated abuse and misuse by the Justice Department, and have little to do with combating terrorism. This legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Nor does the bill provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism.

Since 2002, 389 communities, including Los Angeles, have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. This outcry from America is due to the repeated and serious misuse of the legislation by the Justice Department. Consider that the PATRIOT Act has been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism. It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer files, spy on his children, and take his DNA, all without his knowledge. Furthermore, because of gag restrictions, we will never know how many times it has been used to obtain the reading records of average Americans from libraries and bookstores.

H.R. 3199 also extends or makes permanent 16 provisions of the PATRIOT Act concerning the government's expanded surveillance authorities, which are otherwise scheduled to sunset on December 31, 2005. It is simply irresponsible to make these provisions permanent when there continues to be wide spread concern that these sections of the PATRIOT Act can lead to violations of individual civil liberties, as well as tread on our country's professed support of basic civil rights for all individuals. Preserving a 4-year sunset for these 16 provisions in the PATRIOT Act is one of Congress's strongest mechanisms for maintaining oversight and accountability over expanded government controls that could potentially undermine civil rights and civil liberties. We are talking about critical issues that will set the precedence for the rights of people in our country for many years to come.

The Intelligence Committee tried to offer sensible amendments to the bill, but was denied by the Republican-controlled Rules Committee. One amendment would have tightened the ability of the FBI to conduct roving wiretaps to ensure that only terror suspects—not innocent Americans—are wire-tapped. Another amendment would have included the sunset provisions originally in the PATRIOT Act to promote accountability and congressional oversight. A final amendment would have prohibited the FBI from using the broad powers to get bookstore or library documentary records about any patron.

Even though some in our government may claim that civil liberties must be compromised in order to protect the public, we must be wary

of what we are giving up in the name of fighting terrorism. Striking the right balance is a difficult, but critically important task. History has taught us to carefully safeguard our civil liberties—especially in times of fear and national outrage.

The lessons of September 11 are that if we allow law enforcement to do their work free of political interference, if we give them adequate resources and modern technologies, we can protect our citizens without intruding on our liberties. We all want to fight terrorism, but we need to fight it the right way, consistent with the Constitution, and in a manner that serves as a model for the rest of the world. Unfortunately, H.R. 3199 does not meet those tests and, without the critical safeguards of sunset provisions, does not warrant reauthorization.

Mr. DELAY. Mr. Chairman, I rise in strong support of the reauthorization and extension of the USA PATRIOT Act, the provisions of which have protected the American people and our soil from terrorism since their enactment 4 years ago.

The PATRIOT Act has been instrumental to our prosecution of the war on terror since 9/11, and, specifically, instrumental to the prosecution of terrorists who have threatened our homeland.

Our law enforcement and intelligence communities have vigorously and appropriately used the PATRIOT Act to investigate, charge, and prosecute terrorists.

Five terrorist cells in Buffalo, Detroit, Seattle, Portland, and northern Virginia have been disbanded. Terrorists around the world have been brought to justice. The notorious wall between law enforcement and intelligence gathering organizations has been broken down. Prosecutors and investigators have been given more tools to go after terrorists without the outdated redtape that, prior to 9/11, always hamstrung such efforts. Loopholes have been closed, safe-havens have been shut, and the war in being won. Meanwhile, civil liberties are being protected.

Opponents of the PATRIOT Act suggest that we have an either/or choice when it comes to safety and civil liberties, but the PATRIOT Act—the ultimate legislative boogeyman for conspiracy theorists—has worked exactly as the American people were told it would be.

To date, 4 years after Big Brother supposedly imposed this draconian usurpation of liberty on the American people, no one has suggested a single instance of a single person's civil liberties being violated.

This point bears repeating: on one, not the Justice Department, not the ACLU, not even moveon.org has produced evidence of a single, verifiable PATRIOT Act civil liberties abuse.

It just hasn't happened.

Neither has the government's abuse of the PATRIOT Act's ''delayed notification search warrants,'' which since the Act's passage have comprised fewer than 2 of every 1,000 search warrants sought by the Justice Department.

The USA PATRIOT Act, then, Mr. Speaker, has been a boon to the law enforcement and intelligence community, a crushing blow to our terrorist enemies—212 more of whom, I repeat, are now behind bars—and a protector of security and freedom to the American people.

Of course, this law should be re-examined. That's why we've subjected it to such vigorous scrutiny: Six Inspector General reports; 12 Committee hearings, just since this April; 41 witnesses, 15 of whom were called by the Democrats; 43 proposed amendments in Committee, 8 of which were approved.

The American people have had ample opportunity to witness the PATRIOT Act in action, and in the 4 years since its passage, our Nation has been safer, our civil liberties more secure than ever, and our enemies have been hunted, caught, and prosecuted.

We are winning the war on terror, and the PATRIOT Act is a big reason why.

I urge all members to protect the American people, protect civil liberties, and extend the PATRIOT Act.

Mr. PORTER. Mr. Chairman, I rise today to express my support for the PATRIOT Act. As we all learned on September 11, 2001, terrorists will use any and all means available to them to attack the United States of America.

Since its passage following the September 11 attacks, the PATRIOT Act has played a key role in a number of successful operations to protect innocent Americans from terrorists. The PATRIOT Act removed major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. Now FBI Agents, Federal prosecutors, and intelligence officials can protect our communities by ''connecting the dots'' to uncover terrorist plots before they are completed. Simply put, the PATRIOT Act allows the United States to become proactive, rather than reactive.

Mr. Chairman, the simple truth is that while key provisions of the PATRIOT Act are set to expire, as we have learned twice in the past two weeks from events in Great Britain the terrorist threat that faces the world will not expire.

Southern Nevada is visited by over 35 million people each year; many of these tourists are our friends from foreign countries. Unfortunately we have learned that mixed in with these friendly tourists are some who wish to inflict harm on our Nation. This sentiment is supported by the fact that we now know that planning meetings of the 9/11 hijackers took place in Las Vegas.

While this may not be a perfect bill, I do believe that the legislation before us today reflects a compromise that includes the proper balance between security and privacy to face the challenges of the current world we live in as well as the necessary safeguards to protect our fellow citizens against an over-encroaching government.

I understand and appreciate the privacy concerns that have been expressed by many and will continue to protect civil rights and insist that the proper and regular oversight exists when possible infringements on Americans' civil rights are concerned.

Mr. HONDA. Mr. Chairman, I rise today in opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. While Congress should be revising the flawed aspects of the PATRIOT Act, we are instead poised to make permanent the provisions that were supposed to sunset at the end of this year.

My fear is that the actions of our government pursuant to the PATRIOT Act amount to nothing short of a taking, not a taking of property, rather of our rights and our liberties. For example, the House Judiciary Committee Democrats have uncovered the following regarding the Act:

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

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

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

It has been used to unconstitutionally coerce an Internet Service Provider to divulge information about e-mail activity and web surfing on its system, and then to gag that Provider from even disclosing the abuse to the public.

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

These are just a few of the incidents we know of, yet they are enough to raise plenty of concerns in my mind. Because of gag restrictions, we will never know how many times it has been used to obtain reading records from libraries and bookstores, but we do know that libraries have been solicited by the Department of Justice—voluntarily or under threat of the PATRIOT Act—for reader information on more than 200 occasions since the 9/11 terrorist attacks.

Rather than making the provisions in question permanent, we should be reviewing and amending the most intrusive of these provisions that are subject to the sunset clause such as:

Sec. 215: Secret searches of personal records, including library records. The bill does not provide a standard of individual suspicion so that the court that examines these extraordinary requests can ensure personal privacy is respected, and also falls short by failing to correct the automatic, permanent secrecy order.

Sec. 206: ''Roving'' wiretaps in national security cases without naming a suspect or telephone. The bill does nothing to correct this overbroad provision of the Patriot Act that allows the government to get ''John Doe'' roving wiretaps—wiretaps that fail to specify the target or the device. The bill also does not include any requirement that the government check to make sure its ''roving'' wiretaps are intercepting only the target's conversations.

The Patriot Act originally had sunsets on some provisions so we could reexamine the extraordinary powers that were given to the executive branch, in a calmer atmosphere. Instead we are here today ignoring the more troubling provisions such as: the ''delayed notice'' of a search warrant, the intrusive ''national security letters'' power of the FBI, and the overbroad definition of domestic terrorism.

There is no more difficult task I have as a legislator than balancing the nation's security with our civil liberties, but this task is not a zero sum game. By passing a bill that largely ignores the most serious abuses of the PATRIOT Act, that ignores the abuse of power by the Bush Administration, and which fails to give adequate resources and money to those on the ''front line'' in the fight against terrorism.

Ms. DELAURO. Mr. Chairman, there is no greater responsibility of government than to protect its people from harm. That was the intent of the PATRIOT Act—legislation authored a month after the September 11th attacks 4 years ago. And like any bill quickly passed into law, particularly one this expansive, the PATRIOT Act has worked well in some respects, but less so in others, and in some cases, with unintended consequences. All that is understandable, but making the entire bill work well with the benefit of 4 years hindsight ought to be the challenge before us today.

But this legislation is not the entire PATRIOT Act passed into law 4 years ago—it is only 16 provisions of that law, most of which were set to expire or sunset. This year, we are failing to consider some of the most ineffective and overreaching provisions of the PATRIOT Act. We are making only the most modest changes to others. And, in the case of the so-called ''sneak and peek'' provision, we are actually making matters worse.

Indeed, under this bill, judges can order searches or seizures without telling the targets for up to 6 months after the search. This bill also expands authority to access medical records and bookstore and library records. And even though it allows recipients of such subpoenas to consult an attorney, there is no requirement that law enforcement show that the information they are seeking is even part of a terrorism investigation.

And while this provision will be revisited again in 10 years, almost all the others are made permanent—access to e-mail and Internet records, wiretap authority, the disclosure of Internet records in emergencies, the use of search warrants to seize voice mail. These are all fundamental matters of privacy—privacy we would all agree terrorists are not entitled to, but the average American is.

By insisting 14 of the 16 expiring provisions in this bill be made permanent, we are essentially abdicating our responsibility as Members of Congress to make sure we strike the right balance of giving law enforcement the tools they need to catch terrorists while still upholding the basic rights to which every American is entitled.

Mr. Chairman, this bill is a matter of security—of homeland security, national security and the security of every American's right to privacy. Let us honor our obligations and uphold each of those responsibilities.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 3199. This bill does very little other than to make permanent, onerous sections of an onerous law.

Four years ago, Congress passed and the President signed into law the USA PATRIOT Act. Substituted in the dark of night, the Administration's bill was inserted as the final bill and became law with very little Congressional deliberation or consideration. I was appalled by the process we used then and am only slightly more comforted now.

We are considering making 14 of the 16 provisions in the PATRIOT Act permanent, and making the other 2 provisions semi-permanent. Are we going to yield more of our institutional power by granting the permanency of these provisions? We must remain vigilant against terrorism, but we must also remain vigilant against abuses of power that curtail Americans' civil liberties in a time of war.

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

Yet, today, we are considering limiting American freedoms by extending these sections of the PATRIOT Act permanently. As a former prosecutor, I understand the need for tools to prosecute those who would do us harm. However, the law that was passed four years ago and the bill we consider today go too far.

We must provide commonsense tools to prosecutors, but we must weigh the important needs to safeguard liberty. We must not make these temporary provisions permanent while we remain at war. What will generations to come think when they have seen we have permanently lowered the bar in protecting their civil liberties?

Mr. Chairman, I am reminded of a very wise saying by one of our founding fathers, Benjamin Franklin. He said ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

I will vote against this bill and urge my colleagues to do the same.

Mr. FARR. Mr. Chairman, I rise in strong opposition to the PATRIOT and Terrorism Prevention Reauthorization bill. This bill tramples on the Bill of Rights in the name of patriotism.

To be patriotic means to be loyal and devoted to one's country. As Thomas Paine once said, ''It is the duty of the Patriot to protect his country from his government.'' We are all Patriots today in the finest sense of the word, but just because some of us want to ensure that Congress retains its legislative oversight over these draconian provisions, some will call us unpatriotic. To quote Thomas Jefferson, ''Dissent is the highest form of patriotism''.

While not one of us in the Chamber takes lightly our Oath to protect and defend the United States, the permanent extension of the Patriot Act, as the expense of our civil liberties, will not in and of itself make our country safer.

I voted against the original PATRIOT Act that was hastily passed in October 2001. The same concerns regarding the abuse of power still exist. With such broad, sweeping provisions as roving wire taps and sneak and peek searches, Congress must retain its ability to exercise legislative oversight to ensure the civil liberties of the people are upheld. The provisions of the misnamed Patriot Act should be reauthorized periodically, not made permanent.

This Administration consistently hides behind the fear of terrorism to achieve their legislative agenda. In this case, they are trying to convince the American people that giving up their civil liberties is necessary to combat terrorism. My constituents remain unconvinced. In my district, the local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, California have all passed resolutions expressing their concerns with the anti-privacy and anti-liberty portions of the Patriot Act.

Mr. Chairman, homeland security means protecting the civil rights of Americans.

Mr. UDALL of New Mexico. Mr. Chairman, almost four years ago, our country was traumatized by the vicious attacks on September 11, 2001. We will never forget that day or the days immediately following the attacks, and once it became clear who was behind the attacks and what their motives were, we realized that we were facing a threat unlike any other. In the years since, we have seen these senseless attacks continue on our allies across the world. As a former state attorney general, I fully understand the need to balance the security of our nation and the liberties of our citizens. The gravity of the situation is not lost on me, or any of my colleagues in this chamber.

On October 24, 2001, a justified sense of urgency resulted in an unjustifiably rushed vote on the PATRIOT Act. Many members had outstanding questions about the bill, which the Rules Committee put in place of another bill that had been passed by the Judiciary Committee. In the years since that bill passed, over 374 cities, towns, and counties in 43 states have passed resolutions expressing concern about the PATRIOT Act or an extension of it. In New Mexico alone, ten cities and four counties have passed resolutions. I have received over 3,000 letters and emails from constituents on this issue, and I have met with hundreds of constituents in my district to discuss the PATRIOT Act in town hall meetings. I have found that Americans of all stripes share my concerns about the Act.

The long awaited House floor debate of this bill has arrived. Many of my colleagues and I are eager to make some commonsense changes to this law, and to bring to light our concerns. Unfortunately, the bill before us today is just more of the same. It gives blanket reauthorization to the bill with only very minor improvements. All but two of the expiring provisions are made permanent, and 10-year sunsets are applied to Sections 206 and 215, the roving wiretaps provision and the ''library provision,'' respectively. All amendments brought to the Rules Committee that would have shortened the sunset period, so that Congress could continue to conduct important oversight and review of this legislation, were not allowed a vote on the floor.

I brought two amendments to the Rules Committee, both of which were rejected. The first, sponsored by Representative BERNIE SANDERS, would have reined in what is probably the most notorious provision in this bill—Section 215. This section grants law enforcement authorities unprecedented powers to search, or order the search of, library and bookstore records without probable cause or the need for search warrants. Because these surveillance powers were cast so broadly and the law prohibits them from revealing to the subject that an investigation is occurring, librarians, storeowners and operators are left in an impossible position. Just one month ago, this House passed an amendment to the FY06 Science-State-Justice-Commerce bill denying funding for this section. Why, then, does the majority insist on giving this section a blanket renewal for 10 years? Librarians and library and bookstore patrons in my district will have a difficult time understanding why their concerns have not been heard by the House leadership. Moreover, in July 2003, the American Civil Liberties Union filed a case against the Department of Justice over Section 215 in a Federal District Court in Detroit, Michigan. Despite promises by the judge that she would issue a prompt ruling, the ruling is still pending two years later. I am very concerned that this ruling has not yet been issued.

I also brought to the Rules Committee, along with Representative CAROLYN MALONEY and Representative CHRIS SHAYS, an amendment that would strengthen the Privacy and

Civil Liberties Board created in last year's intelligence reform bill. Unfortunately, in its current form, the Board does not have the tools to adequately do its job. My amendment would have changed the Civil Liberties Board to be an independent agency within the Executive Branch, have true subpoena power, make full and frequent reports to Congress, have access to information through privacy and civil liberties officers, and have fair composition. It is our responsibility to ensure that the Executive Branch has checks and balances, and I am disappointed that this amendment was not allowed a vote today.

I must also express my grave concern about a section of the bill that was not given a sunset, and thus has not been given the debate that I believe it deserves. Section 213, known as the ''sneak and peek'' provision, allows federal agents to search homes and businesses without giving notice for months. Changes to this section should have been included in the bill before us.

Mr. Chairman, I will vote against this bill today not because I oppose the PATRIOT Act in its entirety, but because I do not believe this bill represents the will of the people or their representatives. I think that if we were allowed a vote on an amendment to Section 215, for example, a majority of members would probably support it. And I think many members here would feel more comfortable attaching four-year sunsets to the expiring provisions than permanently reauthorizing them. But we will not be given that chance today.

In their final report, the 9/11 Commissioners brilliantly stated, ''The choice between security and liberty is a false choice,'' and that ''if our liberties are curtailed, we lose the values that we are struggling to defend.'' We must continue to encourage debate on this law, the events leading up to its passage, and the long-term implications. Because the bill before us today does not reflect this need, I will oppose it.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of the USA PATRIOT Act. Nearly four years ago and shortly after terrorists maliciously killed thousands of Americans on September 11, 2001, Congress passed the PATRIOT Act. This act provides law enforcement officials the tools they need to save lives and protect this country from future terrorist attacks. Today, we are at a critical point as Congress considers extending 16 important provisions of the law.

I have looked carefully at the law and I have heavily weighed the constitutional questions some have raised. In the end, I wholeheartedly support all 16 provisions. I believe that the tools provided under the law are consistent with our long cherished values and consistent with our rights under the Constitution.

I especially support the provisions which take important steps to ensure information sharing and cooperation among government agencies. By providing these necessary tools, the PATRIOT Act builds a culture of prevention and makes certain that our government's resources are dedicated to defending the safety and security of the American people.

For decades, terrorists have waged war against freedom, democracy, and U.S. interests. Now America is leading the global war against terrorism. As President Bush has said, ''Free people will set the course of history.''

Mr. CUMMINGS. Mr. Chairman, I rise in opposition to this bill, the USA PATRIOT and Intelligence Reform Reauthorization Act of 2005, H.R. 3199.

Mr. Chairman, after the tragic events of September 11, every American knows, in every nuance of the truism, that freedom is not free. I firmly believe that in order to have security in our homeland we must have a reasonable expectation of infringement of some of our civil liberties. The stakes are too high to maintain a pre-9/11 mentality and the threats of terrorism are too real. However, this bill crosses the reasonableness threshold by abrogating rights guaranteed under the Constitution without a corresponding increase in the real tools law enforcement needs to fight the war on terrorism.

I believe that we should focus on securing our homeland, not by infringing on civil liberties as outlined in the PATRIOT Act—but, by securing our rail and transit systems, by securing our ports and waterways systems, by securing our airspace, and by refining our intelligence organizations for maximum outcomes, just to name a few. But I digress.

Subsequent to passage of the USA PATRIOT Act, a hastily devised bill brought to the floor 45 days after 9/11, I received many letters from my constituents who applauded my voting against its passage. While they were opposed to the bill, many were comforted by the fact that the provisions would sunset and Congress would take a closer look when clearer heads might prevail. As the sunset date approached for the more troubling PATRIOT Act provisions, I received even more letters concerned about the prospect of extending or making permanent the more intrusive aspects of the USA PATRIOT Act.

I also received reports from people who believed that their rights had been unduly violated under the PATRIOT Act. That is why I held a PATRIOT Act Town hall earlier this ear to further examine the extent of the problem.

Mr. Speaker, let me give you an example reported to my office.

Some months ago, a Maryland-based engineer of Iranian descent was at work when the State Police showed up at his employer's doorstep and started questioning him. Without explaining the reason for their interrogation, they asked him where he had gone to school, where he had lived, how many times he traveled internationally and whether he had ever rented a car.

Then, they demanded that he hand over his laptop—equipment that belonged to his employer—and, after some haggling, they took the device without ever obtaining a warrant.

Later, the engineer (whom I'll call ''Mr. L'') was told that a former police officer had seen a group of people who ''looked Middle Eastern'' driving around an airport and ''acting suspicious.''

Fortunately, Mr. L had proof that he was nowhere near the airport during the time in question. He has since been cleared of any wrongdoing.

Yet, Mr. L. remains convinced that his professional reputation has been seriously damaged, and in all likelihood, he is correct.

Far too many Americans of ethnic descent can relate to Mr. L's story of being accused of wrongdoing based only upon a racial or ethnic ''profile.'' Although our U.S. Constitution protects us against unreasonable searches and seizures, we know that this guarantee has not always been uniformly assured.

Sadly, the governmental intrusion into Mr. L's life seems to be one of these cases. It was an erosion of his personal freedom clearly allowed under the PATRIOT Act, which as Americans the rest of us take lightly at our peril. Mr. L's story is not unique; the danger his experience illustrates is not limited to Islamic Americans; and the erosion of our freedom is not confined to investigations of terrorism.

Mr. Speaker, the expressed purpose of the PATRIOT Act was to assure that U.S. law enforcement agencies would possess the legal tools that they said they needed to protect us from acts of terrorism. From the time of its initial passage, however, there has been serious concern that the wider police powers granted to our law enforcement agents by the legislation—as well as other assertions of executive power by the Bush Administration—were not adequately balanced by sufficient constitutional safeguards.

The purposes of this bill are the same and it suffers from the same infirmities as its predecessor. As the Dissenting Views to Accompany H.R. 1399 reports, and I paraphrase, ''there are numerous provisions in both the expiring and other sections of the USA Patriot Act that have little to do with combating terrorism, that intrude on our privacy and civil liberties and that have been repeatedly abused and misused by both the Justice Department and the Administration.''

These include, but are not limited to, the inadequate judicial oversight permitted by this bill and the roving wiretaps targeting innocent Americans—Americans not involved in terrorism in any way. Further, the ''sneak and peak'' provisions authorize federal agents to enter our homes, search them and even seize our property, notifying us only after the fact.

It should come as no surprise that since 2002, 389 communities and seven States representing over 62 million people have passed resolutions opposing parts of the USA-PATRIOT Act. It may come as a surprise however, that groups ranging the political spectrum from the ACLU to Gun Owners of America are equally opposed to many sections of the bill. They are concerned, like my constituents and many other citizens around the country, that the PATRIOT Act has been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having nothing to do with terrorism.

They are concerned that the PATRIOT Act has been used to coerce an internet service provider to divulge information about e-mail activity and websurfing of its members.

They are concerned that it has been used on innumerable occasions to obtain reading records from libraries and bookstores—and that on at least 200 occasions has been used to solicit reader information from libraries.

They are concerned that they may be next for these unreasonable intrusions.

Yet we never had a discourse on these issues. Unfortunately, again the House process has been distorted to leave us to consider a one-sided partisan bill. Instead of thoughtfully considering the tough questions like: how much governmental power is truly required to protect us and what constitutional freedoms are we going to leave in place for our children and generations yet to be born, we consider a partisan bill of which the Minority members inform they never received the facts necessary to fully evaluate.

For this and other reasons, I decided to cosponsor the bipartisan bill spearheaded by

BUTCH OTTER and BERNIE SANDERS, the Security and Freedom Ensured Act of 2005, H.R. 1526, the SAFE Act.

Among other corrections to the PATRIOT Act, this bill would require ''specific and articulable facts'' (rather than a more generalized suspicion) that a suspect is an agent of a foreign power when the government wishes to seize records. It would require a far more detailed justification before ''roving wiretaps'' could be utilized and it would protect our library and bookstore records from unwarranted inspection.

In addition, H.R. 1526 would re-define the new crime of ''domestic terrorism'' in far more narrow terms, making it clear that our traditional freedom to assemble and challenge governmental action must not be chilled.

Although this bill does not resolve every concern about the USA PATRIOT Act, I believe it represents a better beginning for the House debate than the bill under consideration. Democrats and Republicans alike are seeking to better protect the freedom of Americans—without reducing our ability to protect ourselves against terrorist threats.

Since September 11, Americans have learned to accept some additional intrusions into our privacy as the price that we must pay to protect ourselves. Yet, we must also remain vigilant.

Mr. L.'s experience should be a lesson to us all. As we defend freedom against foreign terrorism and promote freedom abroad, we must be ever-mindful not to destroy the freedoms that make us America.

Mr. STARK. Mr. Chairman. I rise in strong opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act, because I swore to uphold the Constitution. The PATRIOT Act clearly violates all Americans' Fifth Amendment right to due process and Fourth Amendment guarantee against unreasonable search and seizure, among others. If the Government takes our rights away in order to supposedly defend them, what are we even fighting for?

Using the PATRIOT Act over the last four years, the Bush Administration has monitored meetings of citizens who dare to criticize their government. It has searched homes without warrants and listened in on phone conversations without any reasonable justification.

If this is the price of security, now is a fair time to ask: what security have we gained? The terrorist who mailed anthrax to the U.S. Capitol and shut down a Senate office building for two weeks is still at large, but a University of Connecticut graduate student who studies anthrax in Petri dishes was charged with bioterrorism. The cargo that rides aboard almost every commercial flight remains unsecured, but a New Jersey man faces up to 20 years in prison under the PATRIOT Act for looking at star's with his seven year old daughter because he shone a laser beam on an airplane.

I am proud to represent one of the most diverse congressional districts in the country. The people of the 13th District know that your ethnicity, religion or country of origin is not indicative of your commitment to community—or anything else, for that matter. That's why cities across the East Bay were among the first in the nation to pass resolutions condemning the PATRIOT Act. I stand with them in support of those actions.

Mr. Chairman, searching my constituents' homes and not telling them, collecting information about what they read, and tracking their e-mail and web usage is a war on liberty to create a false sense of security. To paraphrase one of our founding fathers, Ben Franklin, the nation that sacrifices liberty for security deserves neither. I urge my colleagues to join me in opposing this unpatriotic act.

Mr. OXLEY. Mr. Chairman, anyone who was serving in Congress on September 11, 2001, will never forget the day. We watched television in horror as the World Trade Center collapsed, and then were rushed out of the U.S. Capitol when Flight 77 crashed into the Pentagon. President Bush immediately challenged us to provide U.S. citizens with protections against the new threat of worldwide terrorism, and within weeks we responded with the USA PATRIOT Act.

As Chairman of the House Financial Services Committee, I was proud to help author the antiterrorist financing provisions in the Act. My committee has held numerous oversight hearings on the implementation of the provisions since then. I can report progress. More than $147 million in assets have been frozen and roughly $65 million seized since 9/11. The U.S. has broken up suspected terrorist financing networks, including one in my home state of Ohio. Our terrorist financing tools were further augmented by the intelligence reform act approved in the wake of the 9/11 Commission report.

As a former FBI agent, I have found other parts of the PATRIOT Act just as vital in the defense of our freedoms. As we have been reminded by the two rounds of bombings in London, the reality of terrorism remains very much with us. The toll that these attacks take is so terrible that the only acceptable approach is to prevent them in the first place. To that end, today we are working to make permanent 14 of the 16 expiring provisions of the PATRIOT Act.

I would note that one of the two provisions being extended for only ten years rather than permanently concerns the use of ''roving wiretaps.'' As one of the only Members of Congress who has conducted undercover surveillance, I can tell you now that the need for this authority will not go away. Tying intercept authority to an individual rather than a particular communication device is simply common sense in this era of throwaway cell phones and e-mail. Sunsetting this authority sends the wrong message to our law enforcement agencies: it indicates that our trust in them is incomplete at a time when their services have never proven more important. They should have our full support and every reasonable tool we can give them to help fight the Global War on Terror.

The PATRIOT Act has been a success and we are safer for it. The law has come under misguided criticism from some quarters, and I am constantly answering questions from my congressional district in response to myths surrounding the Act. There is absolutely no evidence that the PATRIOT Act has been used to violate Americans' civil liberties. Congress recognizes the delicate balance between deterring terrorists and preserving our precious freedoms. I feel confident in saying that terrorists make no such distinction. I support the reauthorization of the PATRIOT Act and hope that we can continue to work on remaining issues—including making the roving wiretap provision permanent.

Mr. BLUMENAUER. Mr. Chairman, the PATRIOT Act was enacted in the wake of the 9/11 terrorist attacks, rushed through the House as a suspension bill the day after it was introduced. This process didn't permit the public, let alone Congress, to fully understand it.

The original bill was rewritten in the Rules Committee instead of the bipartisan bill that was unanimously passed out of the Judiciary Committee. Luckily, there were a few sunset provisions that were intended to help keep people honest and evaluate the impacts on the public.

We have now been fighting the war on terror longer than World War II with no end in sight. The policy decisions we make affect the lives of everyday Americans. It is important to keep these policies narrowly focused on items that are necessary for dealing with terrorism and today's modern communication developments while not encroaching on American's fundamental rights. This version is a missed opportunity to narrow the provisions and time limit their applications.

The good news is the public is becoming more aware and involved. Thirteen municipalities in Oregon, including Portland, have already passed resolutions expressing their opposition to the PATRIOT Act.

It seems that the majority of Congress has at least some reservations about this bill. There were more ''no'' votes than four years ago and a bipartisan effort to provide more checks and balances is growing. The Senate version will be better, making it likely that the fiscal legislation will be an improvement over the existing law.

I will continue working to give voice to the concerns and the experiences of Oregonians, as together we fight against terrorism and protect the rights of each American.

Mr. SHUSTER. Mr. Chairman, I rise today in support of the renewal of the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 and strongly encourage my colleagues to join me in supporting this important tool in the war on terror. It is vital that we continue to provide the resources and necessary tools that allow for our law enforcement agents in all communities to search out terrorists wherever they may hide among us.

The continued success of the war on terrorism strongly depends upon our law enforcement and counter-terrorism officers being able to adapt and improve as our ever evolving enemies present new threats. Al Qaeda has shown that they will use various tactics to kill innocent civilians, we must be able to effectively prevent each attack regardless of what form it is to come in. In order to do that, we must have numerous tools to track suspects and gather detailed information about possible attacks. Additionally, we must be able to effectively use this information to bring would-be attackers to justice before they have a chance to strike.

We must also remain diligent in dismantling the terrorist financial network. To date, many of the provisions of the PATRIOT Act have allowed our law enforcement agencies to designate 40 terrorist organizations, freeze $136 million in assets around the world, and charge more than 100 individuals in judicial districts throughout the country with terrorist financing-related crimes. Taking away their resources is an important method of decapitating and slowing the growth of many of these terror networks.

To date, the PATRIOT Act has been an extremely effective weapon in the war on terror. We cannot allow the terrorists to find any safe havens in this nation. This will continue to be a long and hard fight to protect and defend our homeland against this ruthless and fanatical enemy, but with the necessary tools to root them out wherever they may hide, I am certain we will continue to be victorious. I would again strongly encourage my colleagues to join me in supporting the USA PATRIOT Act and Terrorism Prevention Reauthorization Act of 2005.

Mr. LEVIN. Mr. Chairman, the fight against terrorism is very serious business and we need to give law enforcement the tools it needs to prevent terrorist attacks against the American people. When the Congress approved the PATRIOT Act four years ago, we recognized that the serious nature of the threat required giving law enforcement broad new powers to help prevent it. But we were wise enough to also recognize that under our Constitution, laws and traditions, such broad power requires checks and balances as well as continuous congressional oversight to ensure that this power is not abused.

I voted for the PATRIOT Act four years ago. I support most of the 166 provisions of the PATRIOT Act; indeed, today's debate has nothing to do with the vast majority of these provisions, which are already the permanent law of the land. The bill before the House today concerns only the 16 provisions of the PATRIOT Act subject to sunset—the provisions that have the most serious potential impact on the fundamental liberties of innocent Americans if they are abused. These 16 provisions involve the power of the government to enter and search people's homes without notice, to tap people's communications with roving wiretaps, and obtain people's library and health records. Because these provisions touch on the most basic liberties of citizens, we included sunsets so Congress would be required to revisit them. The sunsets balance the extraordinary powers given to law enforcement with oversight and accountability. More than that, the sunsets give Congress the opportunity to regularly review the PATRIOT Act and fine-tune it to adapt to changing circumstances.

The bill before the House takes away the sunset provisions for 14 of these sensitive provisions, and sets ineffectively long ten-year sunsets for the other two provisions. In so doing, this bill throws assured oversight and accountability out the window.

Let me say this. Many of us voted for the PATRIOT Act four years ago with the assurances that there would be meaningful oversight by Congress. For much of the past four years, the rigorous oversight we were promised simply didn't happen. It has only been in the last few months, as the sunset dates approached, that Congress has asked questions, and held the Administration's feet to the fire to provide basic information about how the PATRIOT Act is being implemented. Now the Majority proposes to discard the sunset provisions. The experience of the last four years shows that without sunsets, there is no oversight and no accountability.

I had hoped that the serious shortcomings in this bill could be corrected on the Floor today, but the Majority has blocked a number of important amendments Democrats sought to offer. I believe that many of these amendments would have been adopted had they been put to a vote. It didn't have to be this way. I understand that the Senate Judiciary Committee has unanimously approved its own version of the PATRIOT Act today that contains many of the improvements that the House Leadership denied us the opportunity to debate. I regret that the Leadership of the House has not embraced a similar bipartisan process.

I will vote for the motion to recommit the bill, which would correct the most serious shortfalls in the legislation; in particular, the lack of sunsets of key provisions—sunsets that were contained in the original PATRIOT Act.

I will therefore oppose passage of this legislation today in the hope that the bipartisan Senate Judiciary Committee's version will prevail in the Senate.

Mr. VAN HOLLEN. Mr. Chairman, I rise to explain my decision to vote against this version of the PATRIOT Act. This has not been an easy decision. Some of the provisions that are being reauthorized in this bill provide law enforcement officials with important tools that may be helpful in detecting and disrupting terrorist activities. I support those provisions. Other provisions, however, fail to provide adequate safeguards to ensure that the privacy rights of innocent citizens are protected. It is very important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect. We can ensure that the government has the necessary surveillance powers without sacrificing the privacy rights of Americans. Indeed, many amendments to the PATRIOT Act were proposed in both the Judiciary Committee and the Rules Committee to address legitimate concerns. Unfortunately, many of these amendments were either rejected or blocked from coming up for a vote.

In the aftermath of September 11, 2001, it is essential that we strengthen our ability to detect, deter, and disrupt terrorist activities. Many provisions in the PATRIOT Act accomplish this objective in a balanced way. Other provisions, however, leave citizens vulnerable to unchecked, unwarranted, and potentially abusive invasions of privacy. I am hopeful that the Senate will address these shortcomings in the House bill so that, at the end of the day, we can enact a balanced bill that protects both our security and the rights and liberties we seek to secure.

We can do better. I look forward to continuing to work with my colleagues—both Democrats and Republicans—to develop a bill of which we can all be proud and which can be a true testament to American patriots and to the Constitution we all seek to uphold and defend.

Mr. CARDIN. Mr. Chairman, I rise in support of H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Following the terrorist attacks on September 11, 2001, Congress undertook a review of Bush Administration proposals to strengthen our laws relating to counterterrorism. Congress passed the Patriot Act in October 2001—which I supported—recognizing that it needed to give law enforcement the proper tools to effectively combat new terrorist threats. The law took account of new changes in technology that are used by terrorists, such as cell phones, the Internet, and encryption technologies.

The original Act gives federal officials greater authority to track, intercept, and share communications, both for law enforcement and foreign intelligence gathering purposes. It vests the Secretary of the Treasury with regulatory powers to combat corruption of U.S. financial institutions for foreign money laundering purposes. It seeks to further close our borders to foreign terrorists and to detain and remove those within our borders. It creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists. Indeed, the PATRIOT Act gives federal prosecutors many of the same tools to use against terrorists that Congress has already granted them to use against drug traffickers, for example.

The original Act also creates judicial safeguards for e-mail monitoring and grand jury disclosures; recognizes innocent owner defenses to forfeiture; and entrusts enhanced anti-money laundering powers to those regulatory authorities whose concerns include the well being of our financial institutions.

Congress did not grant all of the authority the President sought in the first Patriot Act, and sunsetted much of the Act's authority in 2005. Many of the wiretapping and foreign intelligence amendments sunset on December 31, 2005. The sunset provisions require Congressional oversight because Congress must take an affirmative action to keep these provisions in effect. I believe that Congress should exercise greater oversight of the use of new authority under the PATRIOT Act, as I have some misgivings about the Administration's use of the new powers under the PATRIOT Act.

Over the past few years I have continued to insist on greater oversight by Congress of the Justice Department as it executes its new powers. I am pleased that the Committee includes sunsets for two provisions: access to business and other records, and roving wiretaps. I support additional sunsets for other provisions in this legislation such as the "sneak and peek" provision which allows delayed notification for search warrants—and I am hopeful that the House will ultimately adopt the additional sunsets approved by the Senate Judiciary Committee when this bill returns from conference committee.

I am disappointed that the House leadership did not make in order amendments that would have: exempted library and bookstore records from Foreign Intelligence Surveillance Act (FISA) searches; reformed the roving wiretap authority in FISA cases to contain the same privacy safeguards as roving wiretaps in criminal cases; established the traditional FISA standards for search warrants; required individual suspicion for records orders; allowed citizens to challenge secrecy orders in records requests; and extended the sunset clauses for numerous other provisions of the Patriot Act.

I voted in favor of a number of bipartisan amendments to limit the Justice Department's power and increase Congressional and judicial oversight of the executive branch, including: requiring the FBI Director to personally approve searches of library or bookstore records; additional reporting to courts by law enforcement when they change surveillance locations under a "roving wiretap"; allowing recipients of National Security Letters to consult with an attorney and challenge the letters in court; and increasing reporting requirements and making it more difficult to obtain "sneak and peak"

search warrants, which entail secret searches of homes and offices with delayed notice.

We must not repeat the mistakes of the past, when the United States sacrificed the civil rights of particular individuals or groups in the name of security. Whether in times of war or peace, finding the proper balance between government power and the rights of the American people is a delicate and extremely important process. It is a task that rightly calls into play the checks and balances that the Founders created in our system of government. All three branches of government have their proper roles to play in making sure the line is drawn appropriately, as we upheld our oaths to support the Constitution.

I support H.R. 3199 but I hope as this legislation works its way through Congress, we will include sunsets on the provisions we are reauthorizing, so that Congress will continue to oversee the executive branch's use of these new powers.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today disappointed at the missed opportunity for the House to strike a reasonable balance within the PATRIOT Act that empowers law enforcement and protects civil liberties. There is more to protecting American's security than peeking into people's reading habits or medical records. Protecting America means securing our ports and borders, supporting our first responders, and ensuring that our transit systems, nuclear power plants and schools are safe from those who seek to do us harm. Frankly, Americans are still at risk. There are large gaps that still remain in critical areas that leave Americans vulnerable to the threat of terrorism. For example:

Our greatest threat remains an attack by a weapon of mass destruction. But funding for cooperative threat reduction programs to secure unaccounted for nuclear material in the former Soviet Union have remained stagnant since 9/11, taking a backseat to other priorities like expanding tax cuts and privatizing Social Security.

There are almost 2,000 fewer border inspectors and agents than were called for in the 2001 PATRIOT Act. The hard truth is we need more. Of the 2,000 border patrol agents called for in the Intelligence Reform Act, the Republican majority has funded only 500 this year. This leaves our borders dangerously unprotected.

Funding for first responder programs, our front line defense against terrorists at home, has dropped 27 percent in the past three years, from a high of $3.3 billion in 2003 to $2.4 billion in 2006—funds which help our towns and cities hire, train and equip our police, firefighters and medical responders.

While 32 million Americans use public transportation every day, we have spent only $250 million on transit since 9/11, compared to the $18.2 billion we've spent on aviation. This leaves our buses, trains, subways, highways and bridges dangerously vulnerable to the kind of attacks we saw in London.

Almost four years after 9/11, only five percent of incoming cargo containers are inspected for hazardous materials. Ninety-five percent of American trade comes through our 361 seaports every year, yet there is no dedicated funding steam for port security. Despite the threat, the President requested no money for port security in FY 2006.

Every day, Americans are asked to empty their pockets, remove their shoes and have their baggage inspected before boarding an airplane. However, most of the cargo loaded onto passenger and cargo airplanes still goes uninspected.

Protecting America is not a partisan issue, it is a matter of priorities. This version of the PATRIOT Act may be slightly improved over the last one, but let's not take our eye off the ball. There is still much more to be done to protect America. Either we take real action to close our security gaps, or the terrorists will find them and exploit them.

The debate today is not about the key issues that will really protect America. It is not even about the whole PATRIOT Act. It is about the reauthorization of 16 highly controversial provisions of the original PATRIOT Act scheduled to expire at the end of the year.

This sunset was critical to earn support for such sweeping legislation, when in the shadow of the September 11th terrorist attack, the Administration pushed Congress to quickly pass legislation that would provide vast new powers to law enforcement. The sunset provisions would ensure Congress would be able to take a closer look how this authority was implemented and at its effectiveness of balancing security and liberty.

I was hopeful that that an open amendment process would allow the House to address the many concerns of the Members of this House and the American public have with the PATRIOT Act. Unfortunately, the House Majority has chosen to prohibit an open debate and consideration on the most sensitive and controversial issues surrounding this bill. In fact, most of the amendments they have allowed to be considered have very little to do with the provisions that are up for reauthorization. This means some of the most controversial provisions of the bill would become permanent, including Section 213, the "sneak and peek" provision that allows secret searches and seizures. Only two of the most controversial provisions, such as Section 215, the "library provision" that allows access to library and bookstore records, credit card information, medical records and employment histories, would be allowed to be reexamined, but not for another 10 years. Amendments that could have strengthened the protection of privacy and civil liberties that could have made this a better bill were prohibited from even being considered or debated.

The single most alarming part of this bill is that it would remove the protection of sunsets to most of the PATRIOT Act. Oversight, review and debate are all the result of a healthy democracy. We should not be afraid to improve that the PATRIOT Act every two or four years. Revisiting the PATRIOT Act is a good thing. Congressional oversight over one of the most fundamental challenges of our time would not hinder our society but enhance it.

The 9/11 Commission warned, "the terrorists have used our open society against us. In wartime, government calls for greater powers, and then the need for those powers recedes after the war ends. This struggle will go on. Therefore, while protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right." This bill does not keep it right. The American public deserves better, they deserve security and liberty. I stand with Benjamin Franklin who said, "he who would trade liberty for some temporary security, deserves neither liberty nor security." Congress' record should match its rhetoric. Protecting America from terrorism means inspecting cargo on passenger planes, inspecting cargo in our ports, securing unaccounted nuclear material in the former Soviet Union and providing our first responders with the resources they need to be our first line of defense in the war on terror. Protecting America is about real priorities that can and will protect the homeland, which unfortunately are not part of the bill before us today.

Mr. HOEKSTRA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SWEENEY). All time for general debate has expired.

In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 109–178. That amendment shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3199

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005".

SEC. 2. REFERENCES TO USA PATRIOT ACT.

A reference in this Act to the USA PATRIOT ACT shall be deemed a reference to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 224 of the USA PATRIOT ACT is repealed.

(b) SECTIONS 206 AND 215 SUNSET.—Effective December 31, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 105(c)(2) read as they read on October 25, 2001.

SEC. 4. REPEAL OF SUNSET PROVISION RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742) is amended by—

(1) striking subsection (b); and

(2) striking "(a)" and all that follows through "Section" and inserting "Section".

SEC. 5. REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.

Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3762) is amended by striking subsection (g).

SEC. 6. SHARING OF ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION UNDER SECTION 203(B) OF THE USA PATRIOT ACT.

Section 2517(6) of title 18, United States Code, is amended by adding at the end the following: "Within a reasonable time after a disclosure of the contents of a communication under this subsection, an attorney for the Government shall file, under seal, a notice with a judge whose order authorized or approved the interception of that communication, stating the fact that such contents

were disclosed and the departments, agencies, or entities to which the disclosure was made.''.

SEC. 7. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER SECTION 207 OF THE USA PATRIOT ACT.

(a) ELECTRONIC SURVEILLANCE.—Section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking '', as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''; and

(2) in subsection (2)(B), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''.

(b) PHYSICAL SEARCH.—Section 304(d) of such Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''; and

(2) in paragraph (2), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''.

(c) PEN REGISTERS, TRAP AND TRACE DEVICES.—Section 402(e) of such Act (50 U.S.C. 1842(e)) is amended—

(1) by striking ''(e) An'' and inserting ''(e)(1) Except as provided in paragraph (2), an''; and

(2) by adding at the end the following new paragraph:

''(2) In the case of an application under subsection (c) where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order, or an extension of an order, under this section may be for a period not to exceed one year.''.

SEC. 8. ACCESS TO CERTAIN BUSINESS RECORDS UNDER SECTION 215 OF THE USA PATRIOT ACT.

(a) ESTABLISHMENT OF RELEVANCE STANDARD.—Subsection (b)(2) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by striking ''to obtain'' and all that follows and inserting ''and that the information likely to be obtained from the tangible things is reasonably expected to be (A) foreign intelligence information not concerning a United States person, or (B) relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities.''.

(b) CLARIFICATION OF JUDICIAL DISCRETION.—Subsection (c)(1) of such section is amended to read as follows:

''(c)(1) Upon an application made pursuant to this section, if the judge finds that the application meets the requirements of subsections (a) and (b), the judge shall enter an ex parte order as requested, or as modified, approving the release of records.''.

(c) AUTHORITY TO DISCLOSE TO ATTORNEY.—Subsection (d) of such section is amended to read as follows:

''(d)(1) No person shall disclose to any person (other than a qualified person) that the United States has sought or obtained tangible things under this section.

''(2) An order under this section shall notify the person to whom the order is directed of the nondisclosure requirement under paragraph (1).

''(3) Any person to whom an order is directed under this section who discloses that the United States has sought to obtain tangible things under this section to a qualified person with respect to the order shall inform such qualified person of the nondisclosure requirement under paragraph (1) and that such qualified person is also subject to such nondisclosure requirement.

''(4) A qualified person shall be subject to any nondisclosure requirement applicable to a person to whom an order is directed under this section in the same manner as such person.

''(5) In this subsection, the term 'qualified person' means—

''(A) any person necessary to produce the tangible things pursuant to an order under this section; or

''(B) an attorney to obtain legal advice with respect to an order under this section.''.

(d) JUDICIAL REVIEW.—

(1) PETITION REVIEW PANEL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(e)(1) Three judges designated under subsection (a) who reside within 20 miles of the District of Columbia, or if all of such judges are unavailable, other judges of the court established under subsection (a) as may be designated by the Presiding Judge of such court (who is designated by the Chief Justice of the United States from among the judges of the court), shall comprise a petition review panel which shall have jurisdiction to review petitions filed pursuant to section 501(f)(1).

''(2) Not later than 60 days after the date of the enactment of the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, the court established under subsection (a) shall develop and issue procedures for the review of petitions filed pursuant to section 501(f)(1) by the panel established under paragraph (1). Such procedures shall provide that review of a petition shall be conducted ex parte and in camera and shall also provide for the designation of an Acting Presiding Judge.''.

(2) PROCEEDINGS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is further amended by adding at the end the following new subsection:

''(f)(1) A person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition in the panel established by section 103(e)(1). The Presiding Judge shall conduct an initial review of the petition. If the Presiding Judge determines that the petition is frivolous, the Presiding Judge shall immediately deny the petition and promptly provide a written statement of the reasons for the determination for the record. If the Presiding Judge determines that the petition is not frivolous, the Presiding Judge shall immediately assign the petition to one of the judges serving on such panel. The assigned judge shall promptly consider the petition in accordance with procedures developed and issued pursuant to section 103(e)(2). The judge considering the petition may modify or set aside the order only if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. A petition for review of a decision to affirm, modify, or set aside an order by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

''(2) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The judge considering a petition filed under this subsection shall provide for the record a written statement of the reasons for the decision. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

''(3) All petitions under this subsection shall be filed under seal, and the court, upon the government's request, shall review any government submission, which may include classified information, as well as the government's application and related materials, ex parte and in camera.''.

SEC. 9. REPORT ON EMERGENCY DISCLOSURES UNDER SECTION 212 OF THE USA PATRIOT ACT.

Section 2702 of title 18, United States Code, is amended by adding at the end the following:

''(d) REPORT.—On an annual basis, the Attorney General shall submit to the Committees on the Judiciary of the House and the Senate a report containing—

''(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

''(2) a summary of the basis for disclosure in those instances where—

''(A) voluntary disclosure under subsection (b)(8) was made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

SEC. 10. SPECIFICITY AND NOTIFICATION FOR ROVING SURVEILLANCE AUTHORITY UNDER SECTION 206 OF THE USA PATRIOT ACT.

(a) INCLUSION OF SPECIFIC FACTS IN APPLICATION.—Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by striking ''where the Court finds'' and inserting ''where the Court finds, based upon specific facts provided in the application,''.

(b) NOTIFICATION OF SURVEILLANCE OF NEW FACILITY OR PLACE.—Section 105(c)(2) of such Act is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) that, in the case of electronic surveillance directed at a facility or place that is not known at the time the order is issued, the applicant shall notify a judge having jurisdiction under section 103 within a reasonable period of time, as determined by the court, after electronic surveillance begins to be directed at a new facility or place, and such notice shall contain a statement of the facts and circumstances relied upon by the applicant to justify the belief that the facility or place at which the electronic surveillance is or was directed is being used, or is about to be used, by the target of electronic surveillance.''.

SEC. 11. PROHIBITION ON PLANNING TERRORIST ATTACKS ON MASS TRANSPORTATION.

Section 1993(a) of title 18, United States Code, is amended—

(1) by striking ''or'' at the of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

''(8) surveils, photographs, videotapes, diagrams, or otherwise collects information with the intent to plan or assist in planning any of the acts described in the paragraphs (1) through (7); or''.

SEC. 12. ENHANCED REVIEW OF DETENTIONS.

Section 1001 of the USA PATRIOT ACT is amended by—

(1) inserting ''(A)'' after ''(1)''; and

(2) inserting after ''Department of Justice'' the following: '', and (B) review detentions of persons under section 3144 of title 18, United States Code, including their length, conditions of access to counsel, frequency of access to counsel, offense at issue, and frequency of appearance before a grand jury''.

SEC. 13. FORFEITURE.

Section 981(a)(1)(B)(i) of title 18, United States Code, is amended by inserting ''trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or'' after ''involves''.

SEC. 14. ADDING OFFENSES TO THE DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b)(g)(5)(B)(i) of title 18, United States Code, is amended—

(1) by inserting '', 2339D (relating to military-type training from a foreign terrorist organization)'' before '', or 2340A'' ; and

(2) by inserting ''832 (relating to nuclear and weapons of mass destruction threats),'' after ''831 (relating to nuclear materials),''.

SEC. 15. AMENDMENTS TO SECTION 2516(1) OF TITLE 18, UNITED STATES CODE.

(a) PARAGRAPH (c) AMENDMENT.—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''section 37 (relating to violence at international airports), section 175b (relating to biological agents or toxins)'' after ''the following sections of this title:'';

(2) by inserting ''section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities),'' after ''section 751 (relating to escape),'';

(3) by inserting ''section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials), sections 1361–1363 (relating to damage to government buildings and communications), section 1366 (relating to destruction of an energy facility), '' after ''section 1014 (relating to loans and credit applications generally; renewals and discounts),'';

(4) by inserting ''section 1993 (relating to terrorist attacks against mass transportation), sections 2155 and 2156 (relating to national-defense utilities), sections 2280 and 2281 (relating to violence against maritime navigation),'' after ''section 1344 (relating to bank fraud),''; and

(5) by inserting ''section 2340A (relating to torture),'' after ''section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),''.

(b) PARAGRAPH (p) AMENDMENT.—Section 2516(1)(p) is amended by inserting '', section 1028A (relating to aggravated identity theft)'' after ''other documents''.

(c) PARAGRAPH (q) AMENDMENT.—Section 2516(1)(q) of title 18 United States Code is amended—

(1) by inserting ''2339'' after ''2232h''; and

(2) by inserting ''2339D'' after ''2339C''.

SEC. 16. DEFINITION OF PERIOD OF REASONABLE DELAY UNDER SECTION 213 OF THE USA PATRIOT ACT.

Section 3103a(b)(3) of title 18, United States Code, is amended—

(1) by striking ''of its'' and inserting '', which shall not be more than 180 days, after its''; and

(2) by inserting ''for additional periods of not more than 90 days each'' after ''may be extended''.

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–178.

It is now in order to consider amendment No. 2 printed in House Report 109–178.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FLAKE:

At the end of section 8 add the following new subsection:

(e) FBI DIRECTOR REQUIRED TO APPLY FOR ORDER OF PRODUCTION OF RECORDS FROM LIBRARY OR BOOKSTORE.—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking ''The Director'' and inserting ''Subject to paragraph (3), the Director''; and

(2) by adding at the end the following new paragraph:

''(3) In the case of an application for an order requiring the production of tangible things described in paragraph (1) from a library or bookstore, the Director of the Federal Bureau of Investigation shall not delegate the authority to make such application to a designee.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I offer this amendment with my colleague the gentleman from California (Mr. SCHIFF), a Democrat.

Mr. Chairman, this amendment simply states that the Director of the FBI must personally approve any library or bookstore request for records by the FBI under section 215 of the PATRIOT Act. This amendment provides a higher standard for the use of section 215 by the FBI.

At a minimum, what it will prevent I think is some kind of fishing expedition that might be undertaken by an overzealous agent or official at the Bureau. Having the Director of the FBI sign off on the request, it also sends a signal to the library and bookstore owners that a request for information from the FBI is well thought out and comes from the highest level.

This amendment compliments other amendments I have offered in the Committee on the Judiciary, two of which were accepted by the chairman and the committee. Those were: With regard to section 215, we clarified that if there is an inquiry, you not only as a respondent have access to an attorney to respond to the inquiry, but also to challenge it. The other had to do with another section in committee. We will stick with this one.

With these two amendments on 215 combined, I think we have provided strong protections for the contested section of the PATRIOT Act. There has been a lot of attention, as has been noted here, across the country at this provision, which has been termed the library provision. It obviously has a lot more to do than with libraries. Libraries are not even mentioned in it. But we see the need to make protections to be sure that no overzealous agent at the FBI or anybody goes and searches somebody's library records or bookstore purchases. So that is what this amendment is prepared to do.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I am not in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I rise in support of the amendment, but I do not believe it is a good enough cure to make this sick legislation well.

I believe that most of what America needs to know about the PATRIOT Act is reflected in its deceptive title. Its authors deliberately designed a name to question the patriotism of anyone who questions them. Are you for patriotism, or are you against patriotism? Are you with America, or are you against America?

The American patriots who declared our independence in 1776 were true patriots who risked their lives in order to secure our liberties.

True patriots defend liberty.

Real patriots do not surrender our freedom, unless there is absolutely no other way to protect our lives.

Patriots demand accountability, restraint, and judicial review of encroachments on the freedoms that make our country unique.

While some portions of this proposed renewal of the PATRIOT Act strike the right balance, other provisions simply strike out. We must balance the demands of keeping our Nation secure with the freedoms that we cherish. We must not sacrifice our democracy in a misguided attempt to save it.

Wrapping this collection of misguided policies under the rubric ''the PATRIOT Act'' is a true mark of how really weak the underlying arguments are for this measure.

Surely we can secure our families' safety without becoming more like a police state, which would deny the freedoms that define us as Americans.

The dangerous road to government oppression begins one step at a time. It does not all happen at once. This bill, I believe, is a step in the wrong direction, a step in the direction of suppressing our freedoms. I believe that it

is very important that we patriotically preserve our liberties and freedoms as Americans by rejecting the measure in its current form.

Mr. SCHIFF. Mr. Chairman, although not in opposition, I ask unanimous consent to control the balance of the time in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. FLAKE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. SCHIFF), the cosponsor of the amendment.

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

Mr. SCHIFF. Mr. Chairman, I rise today to urge my colleagues to support the Flake-Schiff amendment, which would make an important change to section 215 if it is ever used in the library or bookstore context. This amendment is substantially similar to one I offered in the Committee on the Judiciary with the gentlewoman from California (Ms. WATERS), but one I agreed to withdraw in order to work with the gentleman from Arizona (Mr. FLAKE) in a bipartisan fashion on a proposal for consideration on the House floor.

I am sure that every Member of Congress has heard from their constituents regarding this very provision of the PATRIOT Act. Even if possibly based on misplaced fears, some of the public are now apprehensive about going to their local library or bookstore.

Our amendment would not prevent law enforcement from investigating alleged terrorist activity wherever it may occur. It creates no safe haven for terrorists. Instead, our amendment would aim to restore some measure of public confidence that this provision will not be abused.

The Flake-Schiff amendment says that vis-a-vis the records that pose the greatest concern for all of our constituents, library records or bookstore records, the existing authority which allows lower level FBI agents to seek those records should be significantly amended.

If our amendment is adopted, only the FBI Director himself or herself can approve such an order for an investigation to protect against international terrorism or clandestine intelligence activities.

As of the latest public disclosure, the Justice Department has reported that section 215 has never been used in a library. The fact, however, that this provision may never have been used in a library to date does not alter the fact that it affects the behavior of all of our constituents who are concerned that their records may one day be the subject of a search.

Given the sensitivity of this section, I believe it is worthwhile and necessary to make changes to existing law and that this added protection is warranted.

During the Committee on the Judiciary markup last week, I offered an additional amendment to section 215 that would have lifted the prohibition on disclosure when a United States citizen was impacted and when the investigation had concluded if there was no good cause to continue to prohibit the disclosure. Unfortunately, this amendment was rejected on party lines.

The Flake-Schiff amendment will still make another important and needed change. I believe it makes very good sense for the FBI Director and the Director alone to make the decision, and not to delegate it away. The bipartisan PATRIOT Act proposal in the Senate makes a similar change, restricting this authority to the FBI Director or Deputy Director. I think our amendment provides an even stronger safeguard and strikes a balance that will restore a measure of public confidence in this area.

Before closing, Mr. Chairman, I want to take a moment to discuss the Sanders amendment and other efforts to make important changes to section 215. While I am appreciative that the Committee on Rules made the Flake-Schiff amendment in order, I am disappointed that the Sanders amendment was not also made in order. I believe that this House and the American people are better served if all proposals are duly and fairly considered on the House floor.

As you know, last month the House decisively adopted the Sanders amendment during consideration of the Science, State, Justice and Commerce appropriations bill. I supported that amendment, which prohibited the use of funds for a section 215 search of a library record patron list, book sale record or book customer list.

The Sanders amendment, however, did not amend the underlying PATRIOT law, which I believe we must do as a first step. We must permanently limit the statutory authorization to use section 215 in libraries and bookstores. The Sanders amendment also made no changes to the ability to search library computer and Internet records.

I expect and encourage the gentleman from Vermont (Mr. SANDERS) to bring his amendment before the House floor each year to further limit the use of section 215 with respect to specific lists and records in libraries and bookstores. But, for now, since the amendment only applies for 1 year and only applies to specific items in the library, I think it is important and necessary for the House to pass this broader and permanent change to the PATRIOT Act.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a valued member of the Committee on the Judiciary

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

Mr. PENCE. Mr. Chairman, I thank the gentleman from Arizona for yielding me time. I thank the gentleman from Arizona (Mr. FLAKE) and the gentleman from California (Mr. SCHIFF) for their tireless advocacy of the liberties of the American people, and I rise in strong support of the bipartisan Flake-Schiff amendment.

President Harry Truman, I am told, had a plaque on his desk that simply read ''The buck stops here.'' It seems to me that the Flake-Schiff amendment is all about saying that when it comes to that sacred relationship that the American people feel between their local library and their local bookstore, that the FBI Director himself or herself must be directly involved if that relationship is to be intruded upon in the name of an investigation into the war on terror.

The Flake-Schiff amendment requires the Director of the FBI to personally approve any library or bookstore request for records under section 215 of the PATRIOT Act. Currently the law permits a designee of the Director whose rank cannot be lower than an Assistant Special Agent in Charge to approve section 215 orders, and that will change.

Also under this amendment, the Director of the FBI cannot delegate the duty to personally approve a section 215 request for library and bookstore records. This amendment, as the gentleman from Arizona (Mr. FLAKE) said earlier, will prevent section 215 from being abused or used in a fishing expedition intruding upon the privacy of ordinary Americans in the name of the war on terror.

Again I quote President Harry Truman's famous plaque or missive, ''The buck stops here.'' The Flake-Schiff amendment is simply about saying if the war on terror demands it, when it comes to intruding upon that sacred relationship between the American people and a bookstore or a library, we have to have those who are of the highest accountability in our political system to answer to that.

I strongly support the Flake-Schiff amendment and the commonsense underpinning that brings it to the floor today, and urge its passage.

Mr. SCHIFF. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I will certainly vote for this amendment, but I fear that it does not fully solve the problem that has been identified by many. Before the PATRIOT Act, the government could obtain only limited records from hotels, storage facilities and car rental companies, and only if those documents pertained to an agent of a foreign power.

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Now, the government can seek any records from anyone as long as it is relevant to an investigation. The FISA

court does not really have any discretion to deny these requests and, once they are granted, they are subject to a gag order.

Now, the Justice Department has told us that they have never once used section 215 relative to libraries, and I have no reason to disbelieve them; but the American Library Association reports that they have received 200 formal or informal requests for materials, presumably under some other section of the law, perhaps grand jury subpoenas, I do not know.

The fact is that Americans are aware of this issue, and I believe this is having a chilling effect on first amendment rights in terms of reading and speaking.

I believe it is important that government have the opportunity to obtain records when it is necessary to fight terrorism. I do believe, however, that the relevance standard is too low.

I also believe that when the House that previously approved a carve-out for identifiable information from libraries it spoke about the chilling impact. I believe we have a better way to get these records and also to untrouble readers.

So while I will support the amendment, it falls short of what is necessary.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN), another member of the Committee on the Judiciary.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Flake-Schiff amendment.

This is another effort in our continuation to support section 215 in all of its aspects, with the protections that I think are reasonable that allow us to take into consideration some of the concerns that people have expressed, even though there have been no examples, I repeat, no examples of abuses under this act.

The Justice Department has told us they have not used this section in the area of libraries. Therefore, I hope they would not object to the gentleman's amendment, because this is going to be used very, very seldom, based on past history. Yet, it is relevant, and we already discussed the ways in which it may be relevant to terrorism cases.

So I would hope that we would have strong support for this amendment, recognizing that this, along with the other changes that we have added to section 215, will allow us to have this still be utilized and utilized in a way that is not undone, as I thought the amendment that we had on the floor just a few weeks ago would have done so.

This is a commonsense amendment. I hope we will get unanimous support for it.

Mr. SCHIFF. Mr. Chairman, it is my pleasure to yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I rise in support of this amendment on two grounds.

First, I think it moves us in the right direction. I have said several times on this floor today about the PATRIOT Act that we should mend it, not end it. This does tighten section 215, which has probably been, more than any other section in the PATRIOT Act, the subject of intense worry for outside groups and especially those who use libraries.

But, second, I support it because of the process involved. The gentleman from Arizona (Mr. FLAKE) and the gentleman from California (Mr. SCHIFF) have worked on a bipartisan basis to craft something they could both support and to persuade the leadership of the Committee on the Judiciary and the Committee on Rules to embrace it. This is what we should see more of, and I wish we were seeing more of it in connection with this bill.

Finally, the gentlewoman from California (Ms. ZOE LOFGREN) does make important points. There is an even better way to amend section 215, and that way has just been embraced unanimously, obviously on a bipartisan basis, by the Senate Committee on the Judiciary, and that is to connect section 215 orders to specific facts which show the target is connected to an agent of a foreign power. That would be best; and, hopefully, we will get there before this bill becomes law.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a good one because it centralizes responsibility in the hands of the Director of the FBI in signing off on 215 applications for bookstore and library records.

But in the context of the overall debate, what I think is missing from this debate is not whether there is a potential for abuse by the Justice Department, but whether there is an actual record of abuse. And there has been no record of abuse by the Justice Department with bookstores and libraries. They have publicly responded repeatedly that they have not used the 215 order to look at the records of people checking out books or buying books at either bookstores or libraries.

Now, what this bill does is it makes an improvement to the law where there is a specific method of contesting a 215 order by the recipient. But to say that all of these records should be exempt from law enforcement scrutiny is to turn our bookstores and libraries into a sanctuary. We cannot allow that to happen.

Mr. SCHIFF. Mr. Chairman, I yield 30 seconds to the distinguished ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, there are a lot of problems with section 215. This amendment does not take care of many of them; but by requiring the FBI Director to personally approve the warrant, that will significantly reduce the chance that there will be abuses.

So far as the ability to contest these, it is very unlikely that someone receiving one of these warrants will go through the cost of actually contesting it for someone else's rights. There are no attorneys' fees allowed in these proceedings, and it is just more likely that they will just give up somebody's information.

This requirement will reduce the chances that there will be abuses; and although it does not solve all the problems, it will reduce the abuses, and, therefore, I will be voting for it.

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute. I just wanted to say that the gentleman from Indiana (Mr. PENCE) brought up the point that the buck stops here, and that is what we are really trying to do with the FBI Director, to ensure that that person is in charge and there is less likely to be a fishing expedition by a lower-ranking official. When you combine that with what we already have in law, which is a requirement that the FBI Director report to Congress every 6 months about the use of this statute, you really have a strong provision and strong protections.

Think of it: you have the FBI Director himself, or herself, saying, I want to use this authority for this specific purpose, and then having to report that every 6 months to Congress. I think we really have curtailed the possibility for abuse.

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

Mr. SCHIFF. Mr. Chairman, I want to return the courtesy extended by my friend, and I am happy to yield 3 minutes to the gentleman from Arizona (Mr. FLAKE) to be subsequently yielded as he chooses.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Without objection, the gentleman from Arizona (Mr. FLAKE) has an additional 3 minutes.

There was no objection.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ISSA), another member of the Committee on the Judiciary.

Mr. ISSA. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time, and I thank the gentleman from California (Mr. SCHIFF).

I have the distinction of being one of the few members on the Committee on the Judiciary who is not an attorney, and I got a little applause on that, I think. But I came to Congress from the business of automobile security. The one thing I know about what we are dealing with in terrorism is that if you leave an open window on an automobile, no amount of security will protect you. If you leave the automobile or your home unlocked, no security system will protect you.

There is absolutely no doubt that we must protect America. To do so, we have to be able to go anywhere and never take anything completely off the table.

I believe that this amendment allows us to guarantee that there are no safe havens for terrorists while, at the same time, we will protect the privacy and the fair expectation that there will not be unreasonable rifling through the records at libraries or, for that matter, I hope, anywhere else under this act.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Let me just conclude by thanking the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for running a fair and thorough process.

Much has been said about these things being rushed through. I can tell my colleagues that over the past 12 months or so, we have had 12 hearings on this subject, 35 witnesses. We have gone through this very thoroughly. On each of these sections that we are dealing with, we heard excellent testimony from the administration, from other witnesses, from experts in the field; and that is why these amendments have been crafted. We have sought to protect the civil liberties of Americans every bit as much as we can here, while offering effective tools for the war on terrorism, giving the administration the tools that they need to fight this war.

I am persuaded that we have done well with this section, with section 215, that we have put the protections that we need in place; and I would urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I am delighted to yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I just want to make the simple point that the amendment that was offered that was not made in order by myself, the gentlewoman from California (Ms. HARMAN), and the gentleman from California (Mr. BERMAN) would not have allowed, under any circumstances, a safe haven anywhere for terrorists. It was a different approach. The standards were higher. I think that is an important point to make as a matter of record.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I want to conclude by thanking my colleague, the gentleman from Arizona (Mr. FLAKE) for his work on this issue.

The fact that the library provision has not been used as of the last public disclosure does not affect the fact that many Americans are concerned about their expectation of privacy when they go to the library, when they check out books on family matters, on health matters, on other matters. They do not want to fear that the government may be scrutinizing what they are reading. And because this has an impact on the behavior of Americans, on the freedom to use libraries, it is an important issue, merely that fear.

This amendment, I think, takes a small, but important, step to provide at least the confidence to the people of this country that no less than the Director of the FBI himself or herself can authorize the use of this provision for library and bookseller records. I think it is an important step forward. I hope we make further progress.

Mr. Chairman, I urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109–178.

AMENDMENT NO. 3 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ISSA:

Page 10, line 23, strike ''within a reasonable period of time, as determined by the court,'' and insert ''at the earliest reasonable time as determined by the court, but in no case later than 15 days,''.

Page 11, line 6, after ''surveillance'' insert the following: ''and shall specify the total number of electronic surveillances that have been or are being conducted under the authority of the order''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. ISSA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the threat we face as Americans today is all too real. The recent bombings in London could have happened on American soil, and it is only through the vigilance of our many law enforcement entities that we can combat this occurrence.

The PATRIOT Act, as it was originally adopted, contains many needed tools to fight those who would harm us here in America. One of those tools was the expansion of roving wiretap authority. This vital tool allowed us to reach out and touch those who had discovered that using a new cell phone every day would have gotten around existing wiretap laws. It did not take the terrorists long to realize that, and it would not take them long if that ceased to exist for them to begin using that technique prior to the PATRIOT Act.

We made America safer when we expanded these surveillance authorities, because now law enforcement can continue to monitor a terrorist's activity without undue interruption. But this new authority must be balanced with our fundamental civil liberties.

It is not that law enforcement has ever misused the roving wiretap provision. I repeat: law enforcement has not been, through our oversight, seen to have abused the roving wiretap provision. However, this is such a serious, serious potential that we must take all measures necessary to ensure that it will not be in the future.

For that reason, I seek to amend H.R. 3199 to add a level of judicial oversight not in the current bill. The current bill gives the issuing court blanket discretion on when law enforcement must report back on a roving wiretap. My amendment requires law enforcement to report back to the court within 15 days of using the roving aspect of the warrant. My amendment also requires law enforcement to report on the total number of electronic surveillances that have been conducted.

These are simple steps that will help guard against possible abuses in the future, while doing nothing to hamper the value of the roving wiretap.

Mr. Chairman, I thoroughly appreciate the opportunity to offer this amendment; but I also want to comment that we have, as a committee, worked like never before on a bipartisan basis to dramatically improve a law when it came to civil liberties that already had good teeth when it came to the security of our people.

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

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Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this involves a roving wiretap, and I think you have to put these in perspective. You can get one of these roving wiretaps under the Foreign Intelligence Surveillance Act without any probable cause that a crime has been committed. You are just getting foreign intelligence. It does not have to be a crime. It does not have to be terrorism. It could be negotiations on a trade deal, anything that will help foreign intelligence, you can get one of these roving wiretaps. So you are starting off without probable cause of a crime.

And also, you can start off without it being the primary purpose of the wiretap, which suggests if it is not the primary purpose, what is the primary purpose? So there is a lot of flexibility and potential for abuse in these things.

There are also some gaps. You can get one of these roving wiretaps against a person, or in some cases, if you know which phone people are using, you can get a John Doe warrant. And there are actually gaps in it where you are not sure which phone, you are not sure which person, you kind of get authority to just kind of wiretap in the area. And so this kind of reporting I think is extremely important.

We have, for example, asked several people, if you get a roving wiretap and foreign intelligence was not the primary purpose, what was the primary purpose? We have had high officials suggest, well, running a criminal investigation would be the primary purpose, which means you are running a criminal investigation without probable cause of a crime being committed. And you get these roving wiretaps. You put a roving wiretap.

I have had amendments that have been defeated in committee which would require what is called ascertainment. When you put the bug there you have got to ascertain that the target is actually there doing the talking, not somebody else using the same phone. Those amendments have been defeated.

And so we need some oversight. And these reports will go a long way in making sure that you are not abusing, you are not listening in on the wrong people, you are not putting these bugs where they do not need to be. You started off with no probable cause. You are not abusing the roving aspect, putting wiretaps everywhere where they do not need to be. I think this kind of review can go a long way in reducing the potential of abuse, using the FISA wiretaps for criminal investigations without probable cause, listening in to the wrong people and a lot of other problems that can occur with the roving wiretaps.

And I thank the gentleman from California (Mr. ISSA). Although it does not solve all of the problems, it solves a lot of them and I thank the gentleman for offering the amendment.

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

Mr. ISSA. Mr. Chairman, it is with great pleasure that I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the entire Judiciary Committee.

Mr. SENSENBRENNER. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of his amendment. And let me say first that the amendment that was made by the PATRIOT Act to allow a Federal judge, and only a Federal judge, to authorize a roving wiretap simply brought the law up to where the technology has gone because before the PATRIOT Act was passed you could not get an effective wiretap order on a cell phone. So the terrorists and the drug smugglers and the racketeers simply conducted their business on cell phones because you could not determine whether or not the cell phone was actually being used within the district in which the Federal court that issued the roving wiretap order sat.

So by passing the PATRIOT Act we were able to get the Justice Department the authority to ask a Federal judge to give a wiretap order against the cell phone or any communications device that might be used by the target. And that gets around the disposable cell phone issue.

The Issa amendment merely states that the judge has to be notified at the earliest reasonable time, but no later than 15 days after a roving wiretap order directs surveillance at a location not known at the time when the wiretap order was issued. And this increases judicial supervision and accountability and protects the civil liberties of the American people.

Now, earlier today both the minority leader and her deputy, the minority whip, were talking about the fact that there has been no oversight done by the Judiciary Committee over the PATRIOT Act. That, frankly, insults what both Democrats and Republicans have done on oversight of the PATRIOT Act on a bipartisan basis. Right here is the result of the oversight that the Judiciary Committee has done in the last 3½ years on this law. This is a stack of paper that is almost 2 feet high. I doubt that any other committee of Congress has done as much oversight on a single law as my committee has done on the PATRIOT Act.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, just to acknowledge that as the chairman has indicated, some of these roving wiretaps do put us into the 21st century with the use of cell phones and disposable cell phones. So the roving wiretap is necessary. But it needs oversight. And I think this amendment will go a long way to making sure that that process is not abused.

Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for yielding me the time. I also thank the gentleman from California (Mr. ISSA) for this amendment. This section of the PATRIOT Act authorizes expansive authority for John Doe roving wiretaps, taps of phones and computers when neither the location nor the identity of the target are known.

The Issa amendment further improves the amendment that I offered during the Intelligence Committee markup of the PATRIOT Act reauthorization bill. My amendment, I am pleased to say, was unanimously accepted by the entire committee and is included in the base bill before the House today.

The Issa amendment appropriately defines the term ''reasonable period for filing return'' as not more than 15 days. It assures the Foreign Intelligence Surveillance Court, we often call it the FISA court, will receive information related to John Doe roving wiretaps in a timely manner by removing any ambiguity associated with the term ''reasonable.'' It makes it clear to every FBI agent, DOJ lawyer and judge from the start, this is a 15-day limit on providing the court with information related to John Doe roving wiretaps. This is a good fix to a good provision that further strengthens the amendment to the PATRIOT Act.

I urge my colleagues to support this amendment. I thank the gentleman from California for offering it.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Chairman, I support this amendment although it does not make some of the changes recommended by Mr. SCOTT in committee about ascertainment and minimization that we believe are important. It would allow for the requirement of oversight, which I think is important. The chairman has said many times that hearings have been held. They were, but they were basically held since April. We do have a tendency to postpone our work until it must be done.

One of the things that I hope we will take a look at that has not been discussed is section 209 relative to obtaining electronic information with a subpoena. That is a routine matter that caused no concern because it stored electronic data and that is not new law.

The reason why we need to look at it before 10 years from now is that as technology changes and all telephone communication becomes Voice Over Internet Protocol, theoretically every phone call would be subject to seizure by subpoena, which is not something I think any of us would agree we intend to do. That should be a wiretap standard and it may drift down to a subpoena standard. That is why we need oversight, not because there is a bad guy out there necessarily, but because the technology is going to change and change swiftly and potentially very much alter what we think we are doing here today.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Judiciary Committee.

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to associate myself with the remarks of the gentlewoman from California (Ms. ZOE LOFGREN). And I also want to address the issue of oversight. And let me be very clear. The chairman has been most aggressive when it comes to oversight, and I want to publicly commend him, not just in terms of the PATRIOT Act, but many other issues that are within the jurisdiction of the Judiciary Committee.

However, this is not about this particular chairman. It is about the responsibility of future members of the

Judiciary Committee to exercise that responsibility. And I have a concern about oversight because, let us be honest, it is not easy dealing with the executive branch. We have all had that experience. We reach conclusions, but we really do not know.

I can remember when the chairman himself discussed issuing a subpoena to bring the former Attorney General, Mr. Ashcroft, before the committee to provide us information on the so-called heavy guidelines. That is what was necessary.

Just recently, I read where the vice chair of the Government Reform Committee, looking into the expenditures of monies involving the development for the Fund of Iraq, expressed frustration with the lack of cooperation coming from the Pentagon.

I have served on an invitation basis under Chairman DAN BURTON investigating the misconduct of the FBI in the Boston office, and again, it required the threat of a contempt petition to gain information from the Department of Justice. If we need to go that far then to exercise our oversight constitutional responsibility, it is not an easy job to do. So that is why all of the discussions today about oversight are framed in that context.

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

I want to assure the gentlewoman from California that her concerns on electronic data and the fact that in an era of VOIP that we do have to look at that. I serve with the gentlewoman in California on many of the caucuses that deal with that. I look forward to both in Judiciary and, quite candidly, in other committees of jurisdiction here in the Congress to continue to work on properly identifying and modernizing how that is going to be interpreted. I think it is beyond the scope of the PATRIOT Act today, but it certainly is not beyond the Congress to have to bring things up to snuff, and I look forward to working with the gentlewoman from California.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

I will just close quickly in thanking the chairman, the ranking member, the staffs for the hard work that led to the underlying bill, but also to this particular amendment. This was done on a bipartisan basis. There was give and take.

Over on the Senate side there is a companion that is somewhat similar that has, I believe, a 7-day timeline, and undoubtedly we will work together in conference to reconcile those two. But the good work done on a bipartisan basis in the House has led to what I believe is the right compromise, although I certainly will work with the other body.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ISSA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ISSA) will be postponed.

□ 1530

The Acting CHAIRMAN (Mr. HASTINGS of Washington). It is now in order to consider amendment No. 4 printed in House Report 109–178.

AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. CAPITO:

Add at the end the following:

SEC.___. ATTACKS AGAINST RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—Chapter 97 of title 18, United States Code, is amended by striking sections 1992 through 1993 and inserting the following:

"§ 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air

''(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly—

''(1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;

''(2) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, and without the authorization of the railroad carrier or mass transportation provider—

''(A) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle; or

''(B) releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (3);

''(3) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

''(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, without the authorization of the railroad carrier, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck railroad on-track equipment;

''(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, without the authorization of the mass transportation provider, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider; or

''(4) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal, without authorization from the railroad carrier or mass transportation provider;

''(5) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, or maintaining railroad on-track equipment or a mass transportation vehicle;

''(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (3), except that this subparagraph shall not apply to rail police officers acting in the course of their law enforcement duties under section 28101 of title 49, United States Code;

''(7) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt that was made, is being made, or is to be made, to engage in a violation of this subsection; or

''(8) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) of this section in a circumstance in which—

''(1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense;

''(2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense;

''(3) the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

''(A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations; and

''(B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations; or

''(4) the offense results in the death of any person;

shall be fined under this title or imprisoned for any term of years or life, or both. In the case of a violation described in paragraph (2) of this subsection, the term of imprisonment shall be not less than 30 years; and, in the case of a violation described in paragraph (4) of this subsection, the offender shall be fined under this title and imprisoned for life and be subject to the death penalty.

''(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A circumstance referred to in subsection (a) is any of the following:

''(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider or railroad carrier engaged in or affecting interstate or foreign commerce.

''(2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

''(d) DEFINITIONS.—In this section—

''(1) the term 'biological agent' has the meaning given to that term in section 178(1);

''(2) the term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of more than 2½ inches in length and a box cutter;

''(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4);

''(4) the term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;

''(5) the term 'hazardous material' has the meaning given to that term in chapter 51 of title 49;

''(6) the term 'high-level radioactive waste' has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

''(7) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, except that the term includes school bus, charter, and sightseeing transportation;

''(8) the term 'on-track equipment' means a carriage or other contrivance that runs on rails or electromagnetic guideways;

''(9) the term 'railroad on-track equipment' means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

''(10) the term 'railroad' has the meaning given to that term in chapter 201 of title 49;

''(11) the term 'railroad carrier' has the meaning given to that term in chapter 201 of title 49;

''(12) the term 'serious bodily injury' has the meaning given to that term in section 1365;

''(13) the term 'spent nuclear fuel' has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

''(14) the term 'State' has the meaning given to that term in section 2266;

''(15) the term 'toxin' has the meaning given to that term in section 178(2); and

''(16) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

(A) by striking ''**RAILROADS**'' in the chapter heading and inserting ''**RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR**'';

(B) by striking the items relating to sections 1992 and 1993; and

(C) by inserting after the item relating to section 1991 the following:

''1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.''.

(2) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 97 and inserting the following:

''97. Railroad carriers and mass transportation systems on land, on water, or through the air ..... 1991''.

(3) Title 18, United States Code, is amended—

(A) in section 2332b(g)(5)(B)(i), by striking ''1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems),'' and inserting ''1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),'';

(B) in section 2339A, by striking ''1993,''; and

(C) in section 2516(1)(c) by striking ''1992 (relating to wrecking trains),'' and inserting ''1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, millions of Americans travel to work, school and other activities aboard trains, buses, planes, and other forms of mass transportation. Our railways are also a primary method of shipping raw materials and manufactured goods across the country.

The openness of our rail and mass transportation network makes it a target for terrorists who would attack our Nation. The network is also a target for people to make empty threats or disable on-track materials. These actions put rail employees and passengers at risk. Threats and sabotage against railways also harm interstate commerce by causing delays on important transportation corridors.

Richard Reid, now known as the Shoe Bomber, actually had a charge against him dismissed because current law does not explicitly define an airplane as a vehicle for the purpose of prosecuting. This amendment would change that and bring updated and uniform protections to all forms of railroad carriers and mass transportation providers.

My amendment establishes penalties of up to 20 years for a person who knowingly wrecks, derails, or sets fire to a rail or mass transportation vehicle or knowingly disables on-track equipment or signals. The same penalty applies for conspiracy or threats against a rail or mass transportation system.

The penalty is increased with life imprisonment with death-penalty eligibility if an attack results in the death of a person.

My amendment allows the courts to consider an attack against a train carrying hazardous materials as an aggravated circumstance. The amendment includes a 30-year minimum sentence for an attack on a train carrying high-level radioactive waste or spent nuclear fuel.

I first offered this amendment last October in the wake of the terrorist attack against the rail system in Madrid. The House passed this amendment on the 9/11 Commission Implementation Act, but it was removed in conference with the Senate. The tragic attacks on London on July 7 and another attack there earlier today have demonstrated again the dangers facing rail and transit systems in the U.S. and throughout the world.

We must not wait for another attack here at home to modernize our criminal penalties for attacks and sabotage against our transportation system.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to support the gentlewoman's amendment and believe that it is an important consolidation in the criminal law relative to attacks against mass transportation systems.

First, we should not have different crimes and different penalties depending upon which type of mass transportation system is attacked. We should have uniform penalties and uniform definitions of criminal activity so someone who attacks a railroad will get the same penalty as someone would in a similar attack against a subway system or a bus or an airplane.

Secondly, I think we have to broaden the definition of what is ''attacked'' to make sure that attacks against support systems for mass transportation systems are treated the same way as an attack against the transportation system itself. We should not have a lesser penalty if you put a bomb in the station than if you blow up a train while it is crossing a bridge over a big gorge.

And I also think we ought to ensure that terrorists who attack these systems are punished with appropriate severity. The gentlewoman's amendment does all of these things, and I would urge its support and unanimous adoption by the House.

Mrs. CAPITO. Reclaiming my time, I thank the gentleman for his support.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as it has been indicated, this amendment involves a lot of new definitions. It would be helpful if we had considered this in committee where we could have gotten the definitions straight.

This is a complex rewrite of two different sections, 18 U.S.C. 1992 and 1993, which involve wrecking trains and attacks on mass transportation systems.

First, it involves mandatory minimums, and we know from our committee deliberations that the Judicial Conference writes us a letter every time we consider a new mandatory minimum to remind us that mandatory minimums violate common sense. If it is a commonsense sentence, it should

be applied. If it is not a commonsense sentence, it has to be applied anyway.

In addition to that, there are problems with the death penalties in the bill. It would allow death penalties for conspiracy. That offers up constitutional questions. It also would create new death penalties even in States that do not include a death penalty.

Mr. Chairman, if we are going to deal with attacks on mass transit, it would be helpful if we would put the money into port security and rail security and bus security and fund those resources. That would go a long way in making us more secure. Having four amendments like this when we have insufficient time to deliberate is not substantially as helpful as the money would have been in making us more secure.

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

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume. I would like to respond to the gentleman from Virginia (Mr. SCOTT). I appreciate his comments.

The mandatory minimums in this amendment do not apply to threats or conspiracies. A person found guilty of a threat or conspiracy could face a sentence up to 20 years. A 30-year mandatory sentence is required for someone who attacks a train carrying nuclear fuel and high-level radioactive waste. Quite frankly, I think that is extremely appropriate and severe, and what we are trying to do here is create these statutes as a deterrent.

Certainly I agree we need to put money into port security around the Nation, and we are doing that; but we need to go at this problem of terrorism with a full frontal attack.

I would like to say when we considered this, this amendment has been around for about a year. We considered it last year and the gentleman from Virginia (Mr. SCOTT) asked that we consider it in the PATRIOT Act and that is what we are dealing with today. So I think it is appropriate.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me time.

Could I ask the gentleman from Virginia (Mr. SCOTT) or the gentleman from Massachusetts (Mr. DELAHUNT), is this not kind of unusual? There have been no hearings and we are combining the death penalty by putting together two substantial terrorist crimes, section 1992 and 1993.

Well, maybe I should ask the author of the bill, if he is on the floor, why this has not had committee consideration.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. SCOTT of Virginia. Mr. Chairman, I would say that it would have been extremely helpful if we could have considered that. We could have got the definition straight, and we could have considered it in a more deliberative process rather than trying to deal with it here on the floor where we have some constitutional questions such as the death penalty for conspiracy.

Mr. CONYERS. Right. Is the author of the amendment here?

I was wondering if this was sent over to the chairman of the committee at some earlier point in time.

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. Yes. This is the identical amendment that was considered last year in October, and it was also passed in the House Intelligence Reauthorization Act that we passed. So this amendment has been considered several times in this House.

Mr. CONYERS. Reclaiming my time, I am sorry I was not on the committee the day they had the hearing, but normally death penalty matters are not brought to the floor this way. Normally I thought it was the jurisdiction of the Subcommittee on Criminal Justice in the Committee on the Judiciary of the House that would be considering this matter.

The Acting CHAIRMAN. The gentlewoman from West Virginia (Mrs. CAPITO) has 30 seconds remaining. The gentleman from Virginia (Mr. SCOTT) has the right to close.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say in closing this has been considered in the past. It has passed. It passed on a voice vote last October. I think in view of what is happening to the mass transit systems around the world, we have heard a lot of hue and cry about helping to protect our mass transit systems in this country. And I think by making standard criminal penalties, we are going a step in the right direction to use these penalties as a deterrence to terrorism on our mass transit and rail systems. I urge passage of the amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 10 seconds. I say that we need money for port security and rail security funding.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just note that we have spent since 9/11 only a couple hundred million dollars in homeland security to secure our rail systems. That is the real problem here. We spent nearly $25 billion on air security and a couple of hundred million on rail.

I would also not that although I do not oppose the death penalty, I doubt very much the death penalty is going to deter the suicide bombers. I think we need to look at not deterrents but at actually preventing the terrorists from harming Americans by protecting the systems and putting our money where our mouth is and in securing these rail systems which we have failed to do.

As my colleague on the Committee on the Judiciary knows, I also serve on the Committee on Homeland Security. We are well aware of how deficient our efforts have been in this regard. That is the crux of this problem, not threatening suicide bombers with the death penalty.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 109–178.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FLAKE:

At the end of the bill, insert the following:

SEC. ___. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Chapter 223 of title 18, United States Code, is amended—

(1) by inserting at the end of the table of sections the following new item:

''3511. Judicial review of requests for information.''

; and

(2) by inserting after section 3510 the following:

"§ 3511. Judicial review of requests for information

''(a) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947 may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the request. The court may modify or set aside the request if compliance would be unreasonable or oppressive.

''(b) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) for an order modifying or setting aside a nondisclosure requirement imposed in connection with such a request.

''(1) If the petition is filed within one year of the request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of

the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. The certification made at the time of the request that disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

''(2) If the petition is filed one year or more after the request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114 (a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the issuing officer, within ninety days of the filing of the petition, shall either terminate the nondisclosure requirement or re-certify that disclosure may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. In the event or re-certification, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. The re-certification that disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the re-certification was made in bad faith. If the court denies a petition for an order modifying or setting aside a nondisclosure requirement under this paragraph, the recipient shall be precluded for a period of one year from filing another petition to modify or set aside such nondisclosure requirement.

''(c) In the case of a failure to comply with a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General may invoke the aid of any court of the United States within the jurisdiction in which the investigation is carried on or the person or entity resides, carries on business, or may be found, to compel compliance with the request. The court may issue an order requiring the person or entity to comply with the request. Any failure to obey the order of the court may be punished by the court as contempt thereof. Any process under this section may be served in any judicial district in which the person or entity may be found.

''(d) In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947. Petitions, filings, records, orders, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947.

''(e) In all proceedings under this section, the court shall, upon the Federal Government's request, review the submission of the Government, which may include classified information, ex parte and in camera.''.

SEC. ____. CONFIDENTIALITY OF NATIONAL SECURITY LETTERS.

(a) Section 2709(c) of title 18, United States Code, is amended to read:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no wire or electronic communications service provider, or officer, employee, or agent thereof, shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such person of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(b) Section 625(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)) is amended to read:

''(d) CONFIDENTIALITY.—

''(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information on a consumer report.

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(c) Section 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)) is amended to read:

''(c) CONFIDENTIALITY.—

''(1) If the head of a government agency authorized to conduct investigations or, or intelligence or counterintelligence activities or analysis related to, international terrorism, or his designee, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of such consumer reporting agency, shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request), or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to any attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(d) Section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)) is amended to read:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no financial institution, or officer, employee, or agent of such institution, shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to a customer's or entity's financial records under paragraph (5).

''(ii) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(iii) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(e) Section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) is amended to read as follows:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) If an authorized investigative agency described in subsection (a) certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that such entity has received or satisfied a request made by an authorized investigative agency under this section.

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

SEC. ___. VIOLATIONS OF NONDISCLOSURE PROVISIONS OF NATIONAL SECURITY LETTERS.

Section 1510 of title 18, United States Code, is amended by adding at the end the following:

''(e) Whoever knowingly violates section 2709(c)(1) of this title, sections 625(d) or 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d) or 1681v(c)), section 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) shall be imprisoned for not more than one year, and if the violation is committed with the intent to obstruct an investigation or judicial proceeding, shall be imprisoned for not more than five years.''.

SEC. ___. REPORTS.

Any report made to a committee of Congress regarding national security letters under section 2709(c)(1) of title 18, United States Code, sections 625(d) or 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d) or 1681v(c)), section 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) shall also be made to the Committees on the Judiciary of the House of Representatives and the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment with my good friend, the gentleman from Massachusetts (Mr. DELAHUNT). I want to assure my colleagues that this amendment has nothing to do with exporting freedom to Cuba. We have teamed up on a few of those items. We are also teaming up with other Members of the PATRIOT Act Reform Caucus, the gentleman from Idaho (Mr. OTTER) and the gentleman from New York (Mr. NADLER), on this amendment.

The Flake-Delahunt-Otter-Nadler amendment provides critical reforms to national security letters. We have heard a lot about this today.

First, this amendment specifies that the recipient of a national security letter may consult with an attorney and may also challenge national security letters in court. A judge may throw out the national security letter by request of the government ''if compliance would be unreasonable or oppressive to the recipient of the national security letter.''

The amendment also allows the recipient to challenge the nondisclosure requirement in the national security letter request. A judge could modify or remove the nondisclosure requirement of the national security letter ''if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with criminal counterterrorism or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person.''

Another important reform to this amendment is that it modifies the nondisclosure requirements so that recipients may tell individuals whom they work with about the national security letter request in order to comply with the national security request.

The amendment also contains penalties for individuals who violate the nondisclosure requirements of a national security letter and requires that reports on national security letters by Federal agencies to Congress must also be sent to the House and Senate Committees on the Judiciary so we can exercise proper oversight.

□ 1545

Mr. Chairman, I would like to thank again the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff in helping to write and to work with me on this amendment. It is important to strengthening the rights of average American citizens who receive these national security letters, and I urge my colleagues to accept this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding to me, and, Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. FLAKE).

One of the things that the bill did in section 215 was to provide a procedure for challenging a section 215 order. What this does is it codifies procedures for challenging the receipt of national security letters, and I think that this is a step in the right direction.

Let me say that a national security letter is never issued to the target of an investigation. A place where it would be issued would be to get records that are in the custody of someone who may have information relative to the target of the investigation. For example, it appears that one of the people who was involved in the London bombing 2 weeks ago studied at the University of North Carolina. To get the records of this person's attendance at the University of North Carolina would be a subject of a national security letter. Now, I do not know whether one has been issued or one has not been, but that is an example of the type of information that the NSLs are used for.

This is a good amendment, Mr. Chairman, and I support it.

Mr. FLAKE. I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I am in support of the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Without objection, the gentleman from New York (Mr. NADLER) is recognized for 10 minutes.

There was no objection.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I applaud the cosponsors of this particular amendment because it is a significant amendment.

As it was indicated, under the PATRIOT Act the FBI can merely assert at this point in time that records are relevant to an intelligence investigation. That can be just simply about foreign policy objectives. In addition, it added a permanent nondisclosure requirement which, if violated, imposed severe sanctions on the recipient of the so-called national security letter.

This was truly a profound expansion of government power where the subject of the order need not be suspected of any involvement in terrorism whatsoever, where there was no judicial review, where there was no statutory right to challenge, and where the order gags the recipient from telling anyone about it. A Federal District Court in New York has already ruled that the national security letters for communication records, as amended by the PATRIOT Act, are unconstitutional because they are coercive and violate the fourth amendment prohibition against unreasonable searches and the first amendment as a result of the gag order.

This amendment, I would submit, attempts to salvage the use of national security letters in intelligence investigations so as to comply with constitutional standards. It gives the recipient of a national security letter his day in court. He can consult a lawyer. A judge can reject or modify the FBI demand upon a finding that compliance would be unreasonable or oppressive.

The recipient can also seek to modify or set aside the gag order if the court makes certain findings that it was unnecessary. The amendment goes further to modify the nondisclosure requirement so that the recipients can tell other people with whom they work about the demand so that they can comply with the order.

As I suggested, the current law is of dubious constitutionality, and I would suggest this amendment would permit appropriate use of so-called national security letters that would not only pass constitutional muster but would be sound policy. It also, I believe, strikes a more reasonable balance between privacy and freedom on the one hand and national security on the other with only a negligible burden imposed on the government, and so I urge passage.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 505 is one of the most, perhaps the most egregious provision of the PATRIOT Act, and it provides essentially, as was said before, that any Director of an FBI field office can issue a national security letter directing the production of financial, telephone, Internet and other records, period, without a court order, without any judicial approval, and there is no provision for going to courts to oppose that. The person whose privacy it is sought to invade never knows about it because it is directed to a third party; namely, the Internet service provider, the telephone company, or whoever. Furthermore, they are prevented by the gag order provision of section 505 from ever telling the person whose privacy is affected or anyone else about this.

The Federal Court in New York has ruled it unconstitutional for two reasons. One, you cannot issue this kind of what amounts to an intrusive search warrant without any judicial approval or provision for getting judicial approval. That is a violation of the fourth amendment. And, two, the gag order, the nondisclosure provision, was ruled as a prior restraint on speech, the first amendment.

This amendment, which I am pleased to cosponsor, is an attempt to solve these problems. It goes a considerable distance towards solving these problems. I do not think it solves all the problems. It does not make section 505 acceptable or even, in my opinion, constitutional, but it goes a good distance towards doing that.

It solves the first problem by saying that you can get a national security letter without going to court, but the recipient can go to court to quash it. That is a minimum standard that ought to be adhered to. This amendment does that, and I am very pleased it does that. It allows the recipient of a national security letter to ask that the gag order be set aside, and it sets limits on the gag order and says it has to be renewed after a certain time period and you have to apply to a court to extend it.

It fails, in my opinion, in that second provision to reach constitutional status by saying that the showing the government has to make to get an extension of the gag order, the affidavit by the government officer asking for the extension, shall be treated as conclusive unless the court finds that certification was made in bad faith. So that is not really up to the judgment of the judge, and I do not think that would satisfy the court on the first amendment. But it goes a long way, as I said, toward making this less egregious a violation of civil liberties and towards making it more constitutional. I do not think it goes far enough but it is a step forward.

It also does not deal with the fact that section 505 should be sunsetted. Because section 505, like some of the other sections we have talked about, is a great expansion of surveillance and police powers, and it may be a necessary one, although I do not agree with that, but even if it is necessary we should be nervous about the expansion of surveillance and police powers and we should revisit that and force Congress to revisit it through using a sunset every so often.

So this amendment goes a considerable distance in the right direction. It does not go far enough, in my opinion, to solve the problems with section 505, but it does go several steps in the right direction, and I commend the sponsor for introducing it, the main sponsor for drafting it, and I support the amendment.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Committee on the Judiciary.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this amendment.

Mr. Chairman, national security letters are sort of a strange beast. It is kind of difficult to figure out what they are. They are sort of like administrative subpoenas, but they are not actually administrative subpoenas. They are limited in their scope. NSLs do not allow the FBI to read the contents of communications but rather the records of communication. That may seem like a legal nicety, but it is a major difference. The Supreme Court has recognized those kinds of differences.

Nonetheless, the recipients of these, while the Justice Department has told us that they allow them to talk to their lawyers, if you look at the statute as it exists now there seems to be a question about that. This amendments makes its explicit. Also, currently under the law, there is no enforcement mechanism when they do issue a national security letter. This amendment allows such an enforcement mechanism by going to a court.

So in a very real sense this amendment both protects those who would receive one of these letters, and if they object to it they can go to an attorney, they can fight it, and it also gives the government a means of attempting to try and secure compliance with it. So in both instances, I think what we have done is give a little more regularity to it. We have given it a little terra firma here, and for that reason I support it and would urge my colleagues to do the same.

Mr. NADLER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from New York has 3 minutes remaining.

Mr. NADLER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member on the committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time, the floor manager who is, I think, supporting the amendment, but he gives some very compelling arguments against the amendment.

Let me pick up from there. The major problem is that under this amendment the FBI can still compel personal records of anyone if they are relevant to an investigation, even if the person whose records they seek is not suspected of criminal or terrorist activities.

Is that correct? May I ask the author of this bill whether or not that is true? Is it not true that the FBI can still compel personal records even if a person is not suspected of any criminal or terrorist activities?

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

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

Mr. FLAKE. Mr. Chairman, what the PATRIOT Act did was to move or to change the standard to relevance. There has to be a finding of relevance. If it is relevant to an investigation, then it is in my view proper they should be able to compel records.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, what is new then? We have got the law now, we have the amendment here.

Well, let me ask you this. Is the national security letter still unconstitutional under the court ruling?

Mr. FLAKE. Mr. Chairman, if the gentleman will continue to yield, there is a disagreement on what the court was actually ruling on, whether they were ruling on the access to counsel or, my understanding of it, whether or not the request itself was unconstitutional. If that is the case, let the legal process take its course.

But I think what we need to do here is make sure that the agencies have the tools they need, offering the protections we are offering here.

Mr. CONYERS. So we do not know what the court was doing. It is not clear, depending on what someone's interpretation is.

Well, let me ask you this. The amendment allows the recipient to challenge the letter in court, but it can be quashed only if compliance would be unreasonable or oppressive to the recipient?

□ 1600

Mr. FLAKE. Mr. Chairman, if the gentleman would continue to yield, we are offering in this amendment additional protections. We are ensuring that those who receive these letters, and we have in other amendments as well, have access to counsel, not only to respond to the inquiry, but also to challenge in court.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

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

Mr. BERMAN. I think underlying the gentleman from Michigan's question, is this not about the difference between the FBI and law enforcement using a national security letter to ask a bank to give it the financial records of all of its customers versus asking the bank to give it the financial records of the specific individuals it suspects might be involved or that it is interested in? I think that is at the heart of the question of the standard. That is why relevance to a terrorist investigation is not an adequate standard. You want the focus on something specific, rather than all of the bank's records of everybody who uses that bank. You want the people who might have had contact with the terrorist or suspected terrorist.

Mr. FLAKE. Mr. Chairman, part of what we have done in this amendment is offer individuals the opportunity to challenge the scope of the request. So whether or not it applies to them or additional people is challengeable through this amendment. That is part of what we are doing here.

Mr. BERMAN. Mr. Chairman, if the gentleman would continue to yield, that requires the bank, not the customers who had nothing to do with anything, to make the challenge.

Mr. FLAKE. The bank can make the challenge itself. The bank can challenge the scope. They are the recipient of the national security letter.

Mr. BERMAN. The bank is, not the customers of the bank.

Mr. FLAKE. That is correct.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would ask the gentleman from Arizona if he feels that this cures the problem, or does he have some of the reluctance that the gentleman from New York, a co-author of the amendment, has about it not going far enough.

Mr. FLAKE. Mr. Chairman, I have a great deal of respect for the gentleman from New York. I tend not to be as concerned as he is at this point. I share many of his concerns about the overall PATRIOT Act, and we have worked to put many of the amendments in place to put ourselves at rest. I thank him for his involvement. We have had great involvement from both sides of the aisle here.

These amendments that I am offering today, virtually all of them, are offered with Democrat support and cosponsorship. My name is not even at the top of some of them. We have had good cooperation. I feel good about this amendment, about the protection we have offered here, and also to ensure that in cases where it is needed, we offer additional tools for compliance with these requests as well. I am pleased with the amendment. I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, if the gentleman would continue to yield, and we do not have any more time over here, that is why we are using this process. But does the gentleman know there are new criminal penalties in this part of 505 now added as a result of this amendment?

Mr. FLAKE. Yes.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his information.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I just want to say in closing, this has been a collaborative process. I appreciate those who have worked with us, and again my appreciation goes to the chairman of the committee for having such a thorough process and allowing us to have amendments. As I mentioned, we had a markup that lasted over 12 hours. Many of these amendments were discussed at length, as were other amendments. I appreciate that and urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 109–178.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. WATERS:

Add at the end the following:

SEC. 17. DEFENSE AGAINST GAG ORDERS.

A person who has received a non-disclosure order in connection with records provided under the provisions of law amended by sections 215 and 505 of the USA PATRIOT Act may not be penalized for a disclosure if the disclosing person is mentally incompetent or under undue stress, or for a disclosure made because of a threat of bodily harm or a threat to discharge the disclosing person from employment. In order to avoid the penalty, the disclosing person must notify the Federal Bureau of Investigation immediately of the existence of the circumstance constituting the exemption.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from California (Ms. WATERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have this amendment that I place before this body. It is an amendment that talks about gag orders. It talks about a provision of law both in sections 215 and 550 that does not allow one who is the target of an investigation or one who has assisted the FBI in gaining records, access to records, to talk about the investigation, to let people know they have been contacted, or that they in some way have been involved in assisting the authorities in seeking information.

This amendment of mine is a very, very simple amendment that talks about what happens to someone who is under a gag order who may, through no fault of their own, place themselves in danger of being harmed or being killed because someone finds out that they have been involved, they are involved in the investigation in some way, and they are threatened by the person who discovers that they have been involved in the investigation; or what happens to someone who is employed at a particular business where they give the FBI access to information. The employer wants to know did they give out information, they cannot tell them, they get fired from their job.

So I have raised the question about this gag order of what happens when someone is placed in a position through no fault of their own that they have to give up information. And someone may argue that in one section of the law, 215, they have the right to get a lawyer and this could be included in the information that they share with the lawyer that would attempt to get them out from under the gag order. But we know that there is nothing in 215 or 550 specifically that would protect this person under the gag order.

Mr. Chairman, what I am attempting to do, and in the scheme of things perhaps it is not that important because we have a PATRIOT Act, PATRIOT Act II, that will basically extend two sections of the PATRIOT Act for 10 years, sections 206 and 215, access to businesses and other records and roving wiretaps; and we have these 14 other sections of the PATRIOT Act that are made permanent.

I suppose my colleagues and the people of America should be worried about

all of this, all of what is being done in this PATRIOT Act in the name of fighting terrorism. People should be wondering whether or not they are being asked to give up their civil liberties, if they are being led by the people that they elect to protect them to undermine their own civil liberties.

This is not simply about the gag order under 215 or 550. This is about gagging Americans, period. This is about saying shut up, do not tell me what the Constitution guarantees you, we do not want to hear that. We want you to understand that there are enough people in power who believe that in order to exercise the power as they see it, they have a right to undermine the Constitution of the United States of America. Not only do they believe it, but they are selling it to you based on fear and intimidation.

So my amendment in the scheme of things is not that important to try and protect a person or some persons. My amendment really is about giving me a platform to talk about how America and American citizens are being gagged, how we are being told that no matter that folks have really fought for this Constitution, no matter that we really had some true times when we have had to stand up for the Constitution, and even go to war to protect the Constitution. We are now being led to believe that anything that is done, and that is what this PATRIOT Act is all about, it goes beyond what anybody should have to expect in order to fight terrorism.

This PATRIOT Act is not in the best interest of Americans. There are those on the other side of the aisle who have gotten up today and said I talked to a constituent who complained about the PATRIOT Act and I said to that constituent how have you been harmed, and the constituent could not explain it.

It is not about whether or not I feel my rights have been denied or not. It is about whether or not the children of this Nation, the children of the future, it is about whether all Americans are being denied their civil liberties because they have been led into the support of a PATRIOT Act that really just flies in the face of the Constitution of the United States of America.

And so when I talk about the gag orders and I reference them in order to frame an amendment or to have this platform to talk about this PATRIOT Act, it is really about whether or not I am talking about all Americans being gagged in a very, very clever and sophisticated way.

There are those who will not oppose this PATRIOT Act because they do not want to be considered unpatriotic. I stand here in the Congress of the United States questioning the wisdom of my colleagues on the PATRIOT Act, and I dare anyone to say I am unpatriotic because I do it. I do it because I am patriotic, and I live in an America that has taught me that there is a Constitution that demands we as American citizens question our government, that we do not allow our government to do anything that they want to do.

I have been elected by the people, and I could be a part of this charade of the government doing whatever we want to do in the name of so-called terrorism, but I do not see myself as an elected official nor do I see myself simply as a citizen that believes that the government is right in everything that it does.

Because I do not believe that, I dare to question those on the other side of the aisle and those on this side of the aisle. I dare those who would wish to stand up and challenge me and charge me with not being patriotic because I do so to get up here and debate me now on patriotism.

And I will tell Members what patriotism is all about. Patriotism is about a Constitution and a democracy that says America is different from everybody else and that we have come through a time and a history that has taught us that if you are to have a democracy, you must have certain guarantees, and those guarantees are embodied in the Constitution that guarantees us freedom of speech, freedom of movement, freedom of religion, and freedom of privacy. Those are the things that we should hold dear and we should fight to protect and we should hold onto with everything that we have, with every ounce of energy that we have.

Nobody, no elected official, no so-called leader is so smart they should tell the American people do not worry about it, give up your rights and give up your freedom, I know better than you. I hope that somewhere in America, in some fourth and fifth grade out there, there are teachers who are watching the debate on the PATRIOT Act. I hope that these are the teachers who are teaching the Constitution of the United States and the history of this Constitution, about how it evolved and how it developed; and I hope they will teach them about the amendments to the Constitution that strengthen it to make sure that we embody in this Constitution all that may not have been thought about in the original framing of it by way of amendment.

I hope that the teachers are able to say watch the debate on the floor of the Congress of the United States so that you can understand that there are some intrusions that are taking place today with the PATRIOT Act that fly in the face of the Constitution.

□ 1615

I want you to be aware of it because when you leave this class, when you grow up to be whatever it is you are going to be, I expect that no matter where you are, whether you are in the United States, abroad, no matter where you are, you know how to stand up and fight for the Constitution of the United States that guarantees certain rights and privacies that are now being intruded upon with this kind of act.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I think every Member of this Congress, liberal or conservative, Republican or Democrat, takes seriously the oath that we took at the beginning of this Congress to preserve, protect, and defend the Constitution of the United States against all enemies, foreign and domestic.

The amendment that the gentlewoman from California has introduced is going to make it very difficult to conduct any type of criminal or terrorist investigation using a national security letter because it basically eviscerates the nondisclosure rules that national security letters and literally all other tools in criminal investigations have attached to them.

I think the last thing in the world the American public wants to see is if somebody gets a national security letter or a grand jury subpoena or testifies before the grand jury, something in the newspaper that says that John Doe is being investigated. And if John Doe is really involved in criminal or terrorist activities, that is going to be a tip-off that the feds are on the heels of John and maybe he ought to flee the country or do other things to eliminate the evidence that would be used to convict that person of the crime that he has either committed or a crime that he is in a conspiracy with others to commit.

Let me say that by their very nature national security letters involve our national security, and the national security letters are usually not issued against the targets of investigations but to get records that would establish evidence that could be used against the target of the investigation. And if that evidence that was being collected ended up being disclosed and became a matter of discourse in the public press, I do not know how law enforcement would be able to complete its investigation to go after those that are suspected of criminal or terrorist activities.

But let me say there is another aspect to the gentlewoman's amendment that I think is really bad policy and can really hurt somebody who is innocent. Because of the nature and threat of terrorism, when there is a tip that is sent to law enforcement, law enforcement is obligated to investigate it. Now, that tip might be false. That tip might be a malicious tip by a personal enemy against the person who had information given to law enforcement. But, nonetheless, law enforcement has got to proceed. And if they do their investigation and issue national security letters and find out that the person that the tip was lodged against is up to absolutely no criminal or terrorist activity, if that person's name gets in the newspaper, their reputation is destroyed even though they are innocent. So I think that the amendment of the

gentlewoman from California is one that will end up leaking information about an investigation of someone who may be guilty but also leaking information about an incomplete investigation of someone where the evidence would exonerate them before that exoneration has been established. And that is why, either way we see it, the gentlewoman's amendment is bad news and should be rejected.

Ms. LEE. Mr. Chairman, I rise in strong support of the Waters' Amendment and in strong opposition to H.R. 3199, the USA PATRIOT and Intelligence Reform Act of 2005.

''National security letters'' subpoena personal records including telephone, internet, financial and consumer documents, but almost all records are included in this category.

The Waters' Amendment protects the rights of those individuals who are mentally incompetent, under undue stress, at risk for bodily harm or losing their employment from being forced to disclose information.

It is an honest attempt to reinstate some balance to protect those who are among the most vulnerable under this legislation.

But the underlying bill, Mr. Chairman, like the original PATRIOT Act, continues to trample on civil liberties. But this bill goes further. It makes fourteen of the most egregious components of the PATRIOT Act permanent. This is outrageous.

This bill damages fundamental freedoms:

by invading medical privacy

by allowing the FBI to search in any location showing minimal justification

by allowing for sneak and peak, national security letters, and roving ''John Doe'' wire tap provisions

by forcing libraries to police their patrons (an act that this body just voted to overturn I might add)

and by stripping Congress of the right to review and amend these provisions.

These all are examples that blatantly undermine our constitution and do nothing to make us safer.

Mr. Chairman, all of us understand the need to balance civil liberties with national security. And we can do this without sacrificing one for the other.

Mr. Chairman, simply said, this bill is absolutely overreaching. The Waters amendment protects the rights of those who are the overlooked victims of national security letters—upholding the constitution is patriotic, even in times of national security crises.

Mr. SMITH of Texas. Mr. Chairman, we should oppose this amendment.

First, we are revisiting an issue that we just covered in the Flake/Delahunt/Otter/Nadler amendment—protections for recipients of a National Security Letter, which is an administrative subpoena used in terrorism investigations or in covert Intelligence activities. They are a necessary and critical tool in our fight against terrorism.

Current laws prohibit the recipient of a National Security Letter from disclosing the fact that they received it. This amendment creates a safe haven for individuals who tell others that they received a National Security Letter, by prohibiting them from being punished for violating the order not to tell.

Non-disclosure orders prevent others being investigated for involvement in terrorist activities from being alerted to that investigation. If a person knows he is being investigated, he may destroy evidence, tell others with whom he is working about the investigation, and flee the country.

While I understand the motive behind not punishing mentally incompetent individuals or those under duress, the law already allows for that through the use of an affirmative defense.

Any amendment that makes it easier to tip off terrorists to the fact that they are being investigated is irresponsible and should not be supported. The Waters amendment should be opposed.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report No. 109–178.

AMENDMENT NO. 7 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DELAHUNT:

Add at the end the following:

SEC. 9. DEFINITION FOR FORFEITURE PROVISIONS UNDER SECTION 806 OF THE USA PATRIOT ACT.

Section 981(a)(1)(G) of title 18, United States Code, is amended by striking ''section 2331'' each place it appears and inserting ''2332b(g)(5)(B)''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Massachusetts (Mr. DELAHUNT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, this is an amendment. My cosponsors are the gentleman from Idaho (Mr. OTTER) and the gentleman from Arizona (Mr. FLAKE).

But, again, let me begin by saying this is not about Cuba. So let us make that very clear. This is about domestic terrorism and the definition of domestic terrorism. And while it does not create a new crime under the PATRIOT Act, the definition triggers an array of expanded governmental authorities, including enhanced civil asset seizure powers. It is so broadly defined that it could include acts of civil disobedience because they may involve acts that endanger human life, one of the elements that goes into the definition of domestic terrorism.

For example, they could implicate anti-abortion protesters who illegally block access to federal clinics, which could be interpreted by a liberal activist Attorney General as endangering the lives of those seeking abortions, or environmental protesters who trespass on private land and climb trees to prevent logging, which could be interpreted by a conservative activist Attorney General as endangering their own lives or the lives of the loggers. Since such actions are usually undertaken to influence government policy, another of the elements that go into the definition of domestic terrorism, such activities could be treated in such a way as to have severe unintended consequences, particularly with regard to the government seizure of property and/or assets.

For example, any property used to facilitate the acts, such as a church basement, or property affording a source of influence over the group, like a bank account of a major donor to a direct action anti-abortion group, could be seized without any criminal conviction and without a prior hearing notice under section 806, which is implicated into the PATRIOT Act.

This amendment curbs those unintended consequences and possibilities and appropriately limits the qualifying offenses for domestic terrorism to those that constitute a Federal, substantive crime of terrorism, instead of any Federal or State crime. It also limits the definition to actions that are actually intended to influence government policy on a civilian population by coercion or intimidation, instead of the current standard that the actions ''appear to be intended'' to have that effect.

I would conclude by reminding my colleagues on the Committee on the Judiciary that this amendment is drawn from the version of the PATRIOT Act that was unanimously approved by the Committee on the Judiciary in October of 2001, and I urge its passage.

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

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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

Mr. Chairman, I believe that this is a good amendment and ought to be supported. It makes important changes to the reference in the forfeiture statute to the definition of international terrorism from the definition of domestic terrorism.

There are various definitions of terrorism under Federal law. In title XVIII there has been a confusion over a new definition created in the USA PATRIOT Act for domestic terrorism. That provision is supposed to be used for administrative procedures such as nationwide searches, but another part of the PATRIOT Act, section 806, uses the reference for asset forfeiture, which is more of a penalty. This has raised

concerns about those who exercise their first amendment rights. As a result, groups from both sides of the political spectrum have wanted to change the definition of domestic terrorism.

The amendment fixes the problem by changing the reference in section 806, asset forfeiture, to the definition of a Federal crime of terrorism under section 2332b(g)(5)(B) instead, which lists specific crimes that constitute terrorism. Thus the more general definition may still be used for administrative purposes and the more narrow definition for penalties and criminal prosecutions.

I believe that this is a good amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just briefly thank the gentleman from Massachusetts for working on this amendment. In the committee, with regard to other bills that we have considered, one having to do with providing a death penalty for terrorist criminals, this issue came up as well. ''Domestic terrorism,'' is that too broad a term and how should it be applied? If one causes injury to a Federal building by mistake, are they then subject to these fines? And nobody really believes that the death penalty would be imposed in that case; however, the threat of something like that is out there, acts as a form of intimidation to people from engaging in lawful protest. So the overly broad definition does come up as a problem sometimes, and in this case it comes up as a problem when it has to do with seizure of assets.

So I thank the gentleman for bringing this amendment forward. I am glad to join him and I am glad the chairman has articulated so well the need for this amendment.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman for his support, and I thank the gentleman from Arizona in helping draft this particular amendment, and I particularly appreciate the example that he enumerated.

Mr. Chairman, I yield back the balance of my time.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DELAHUNT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–178.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

Add at the end the following:

SEC. 17. LIMITATION ON AUTHORITY TO DELAY NOTICE.

(a) IN GENERAL.—Section 3103a(b)(1) of title 18, United States Code, is amended by inserting '', except if the adverse results consists only of unduly delaying a trial'' after ''2705''.

(b) REPORTING REQUIREMENT.—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

''(c) REPORTS.—On an annual basis, the Administrative Office of the United States Courts shall report to the Committees on the Judiciary of the House of Representatives and the Senate the number of search warrants granted during the reporting period, and the number of delayed notices authorized during that period, indicating the adverse result that occasioned that delay.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment today with the gentleman from Idaho (Mr. OTTER), my fellow cochairman of the PATRIOT Act Reform Caucus.

This amendment addresses two important issues regarding delayed notification of the so-called sneak-and-peek searches. The amendment removes the clause that allows judges, when deciding whether initially to grant a sneak-and-peek search, to allow it for the reason that it would unduly delay a trial to notify the target of the search. This amendment strikes ''unduly delaying a trial'' because we believe it is too low a standard to allow for a delayed notification search under the adverse impact clause of section 2705 of title XVIII.

□ 1630

This amendment also requires on an annual basis that the Administrative Office of the Courts must report to the House and Senate Judiciary Committees on the number of search warrants granted and the number of delayed notices authorized. The AOC would also be required to indicate the cause of delay in each instance. This important information will help improve Congress' oversight role on delayed notification for so-called sneak-and-peak searches in the future by providing Members with this information on an annual basis.

Again, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and his staff for once again working to address the concerns we had on delayed notification. I urge my colleagues to accept this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I support this amendment. I do not think that there should be a delayed notification warrant excuse for unduly delaying a trial, but we have heard an awful lot about delayed notification warrants here. Let me again repeat the fact that delayed notification warrants were not created by the PATRIOT Act when it was passed 3½ years ago. It was existing law for drug-trafficking and racketeering investigations, and the PATRIOT Act only expanded it to include terrorism investigations.

Mr. Chairman, I would like to give Members today a very vivid pictorial example on how these warrants work. Using a delayed notification search warrant, the DEA and other Federal agents entered a home along the border between Washington State and Canada on July 2, 2005, because there was information that the first-ever tunnel under the border between Canada and the United States has being used for drug trafficking.

What did they find? They found a very sophisticated tunnel, and took a picture of it. There were various camera devices and listening devices that the agents put into this tunnel, and they ended up finding that the tunnel had been used to transport 93 pounds of marijuana from Canada into the United States.

This is a picture of the U.S. entrance to the tunnel on our side of the border, very close to Canada. It probably is best described as the U.S. exit. But on the Canadian side of the border the entrance to the tunnel was in a building. So the contraband was stored in this building, was put into the tunnel, taken underneath the border and exited in the United States.

Now, the tunnel that I showed in the first picture was big enough to smuggle terrorists across the border, should it be used for that purpose. All this ended up being exposed as a result of a delayed notification warrant. The amendment is a good one; so are delayed notification warrants.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me first of all continue to remind my colleagues and remind America that juxtaposed along this debate today is an existing Bill of Rights that is embedded in our Constitution. It obviously says there is the right to a trial by jury, the right to due process, the right to association, the right to freedom of speech. So as we have been debating through the day, I

appreciate the tone of my colleagues, because on both sides of the aisle we have raised concerns about overreach and over-breadth when it comes to denying or eliminating the rights and freedoms of Americans.

Mr. Chairman, I would have hoped that we would have had the opportunity to debate an amendment on section 213 that would have sunsetted it; not eliminated it, but sunsetted it.

I heard in earlier debates that none of these provisions have been found unconstitutional by Federal courts. Let me remind the chairman that this legislation is barely, barely, 3 years old. In fact, I would argue that it is not sufficient time to know the extensiveness of the over-breadth on this legislation.

Mr. Chairman, I rise to compliment the gentleman from Arizona (Mr. FLAKE) and the gentleman from Idaho (Mr. OTTER) for at least working to find some limitations on a section that allows the FBI to execute a search and seizure warrant, again in violation of one of our prime tenets of the Constitution, the fourth amendment, without notifying the owner for 6 months, if providing advance notice would interfere with the investigation. How broad can that be, to suggest if it is not where it would intrude on the investigation.

Mr. Chairman, as a local sitting judge, I spent many a night, 11, 12 o'clock at night, hearing from undercover police officers who were in fact searching for a search warrant, one to be signed by this judge. I listened to probable cause statements, PC statements. I would argue vigorously that none of that took an excessive amount of time. The probing that was allowed at that time, I believe, was a good firewall to protect the rights, the innocent rights, of Americans.

Last night we saw on the news media a recounting of a tragic incident that occurred with out-of-control bounty hunters, many times used by local law enforcement. This is not exactly the same issue; but upon going into a home or insisting that someone was someone who was not someone, a woman who was innocent was dragged down to the courthouse or to jail. Unfortunately, she called the police when the bounty hunter came and the police insisted she was the right person. She was not. That is just an example of what happens with overreach.

So this particular amendment that requires reporting on an annual basis of the Administrative Office of the Courts to the Committees on the Judiciary in the House and Senate gives us a limited way for oversight, the number of search warrants during the reporting period and the number of delayed notices authorized in the period, indicating the adverse result that occasioned that delay, a mere bringing to the attention of those of us who have the responsibilities of oversight as to what is happening out there.

The difficulty with this amendment, however, is it leaves us with no action, because section 213 does not have a sunset provision. Because it continues to exist, we then have no way to respond as to whether or not there is overreach.

I emphasize to my colleagues, again, that we are all in the business of fighting terror. In the backdrop of the incidents in London 2 weeks ago and today, we recognize we are united around that issue. But I have never talked to any American who concedes they cannot balance their civil liberties and freedom with the idea of fighting in a war on terror.

I would hope simply that we would have the opportunity to debate this further and recognize that this body has gone on record, particularly by its work in CJS funding, where we offered not to fund section 213. I hope my colleagues will support this amendment, but recognize the dilemma we are in.

Mr. FLAKE. Mr. Chairman, I yield 2½ minutes to the gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Mr. Chairman, in my rush to get over here, I had not realized that the chairman had already accepted this amendment, and I thank the chairman for that. But there are a couple of thoughts that I would like to add to the discussion that have already been provided.

Mr. Chairman, I thank my colleague, the gentleman from Arizona (Mr. FLAKE), who is cochair of the PATRIOT Act Caucus with myself. I know the gentleman from Arizona (Mr. FLAKE) and the chairman worked very hard in committee to make sure that they came out with a product that would at least not be as bad as it was when we first passed it in 2001. I thank the gentleman from Arizona (Mr. FLAKE) and also the gentleman from Wisconsin (Chairman SENSENBRENNER).

Mr. Chairman, I rise in support of this amendment, and I appreciate the opportunity to discuss this issue today as we engage in one of the most important debates that we will have during the 109th Congress—that is, how to ensure that neither our national security nor the individual liberties guaranteed by our Constitution are sacrificed to the threat of terrorism.

The amendment we are offering today narrows the scope of so-called "sneak-and-peek" delayed notification search warrants and reins in the far-reaching power that we hastily gave the federal government in the frightening and chaotic days following the 9/11 attacks. We have often heard that "sneak and peek" warrants were used before the passage of the USA PATRIOT Act, and I recognize that the courts have upheld their use in limited and extraordinary circumstances.

However, it deeply disturbs me that in codifying this practice we did not employ the notification procedure upheld by most courts before the PATRIOT Act or practice due caution in an effort to protect our Fourth Amendment rights. Instead, we took this already questionable practice and made it the standard rather than the exception.

Our amendment today is an important step toward reinstituting those precious checks and balances that make this a valuable tool for protecting security instead of a threat to the liberties that are given by our Creator, recognized by the Framers and embodied in our Constitution.

One of my basic concerns with the way that sneak-and-peek was crafted under the PATRIOT Act is the extraordinarily broad list of situations in which the power can be used. Section 213 of this Act lists circumstances, including threat to life and destruction of evidence, in which notification of the execution of a search warrant may be delayed. I understand that these are extreme situations which may call for extraordinary tools. However, the last provision of this list is so vague, so broad, and so all-encompassing that it essentially expands the use of this tool to any investigation in which it would be easier for law enforcement to deny suspects the Constitutional right of notification.

Our amendment today takes one of the first steps toward rectifying this serious flaw in the original PATRIOT Act language by eliminating part of this "catch-all" provision. In addition, it includes reporting language so that we in Congress know when delayed notification is requested and in what circumstances it is used. Armed with this knowledge, we will be better able to conduct proper oversight to ensure that this tool is used to protect personal freedoms while it advances the cause of preventing and prosecuting terrorism.

In the Fourth Amendment, the Framers endorsed the principle that it is the government's role to protect our right to individual privacy, not to encroach upon it. This idea of individual rights—that each person is created uniquely and with certain inalienable rights that government cannot take away—is the most basic expression of who we are as a nation and a people.

That is why it is so vital that this amendment becomes law. While I confess that I would have liked to see stronger language protecting our Fourth Amendment rights included as part of this bill, I am pleased that with this amendment we have the opportunity to reinstate some of the constitutional safeguards that were compromised during passage of the PATRIOT Act.

Such a move would strengthen rather than weaken our ability to fight against those who wish to destroy the essence of what it means to be an American.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this amendment. I am pleased with the efforts that are under way here on the floor to help try to deal with the shape of the PATRIOT Act. This is a critical discussion.

We have been fighting the war on terror longer than we fought World War II, and it appears to be that this is going to be in the American landscape for as far into the future as we can see.

This amendment helps get a handle on the sneak-and-peak provisions. Section 213, which authorizes the sneak-

and-peak investigation, is not restricted to terrorists or terrorism offenses. It may be used in connection with any Federal crime, including misdemeanors. The PATRIOT Act did not establish oversight standards for these investigations.

The public has a right to know how these activities are being undertaken. We saw one of these searches in Oregon go sideways and devastate the life of a local attorney. Brandon Mayfield was jailed for 2 weeks as his name was leaked to the media, falsely linking him to the Madrid bombing. Now this man is suing the FBI; but he will never, never be able to clear his name.

I appreciate what my friends, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Idaho (Mr. OTTER), have attempted to do here, narrowing the application and providing more information to Congress. This is critical. I would hope we would be able to push the limits a little further. I am very apprehensive about this, but we are involved with a process that is very important for Congress.

As I mentioned, this is what we see for as long as the eye can view. In 2001, just days after 9/11, we rushed through a bill that simply cast aside the important by-products that were developed by the Committee on the Judiciary on a bipartisan basis. I am hopeful that this is going to give us a chance to work together to deal with the important security provisions.

Nobody wants America at risk; but it is important that we narrow provisions, wherever possible, that we have appropriate sunset provisions and that we are monitoring carefully. It is critical both for the civil liberties of Americans and for developing the right tools to fight terrorism.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary, and thank him for his constant moral compass on civil liberties and civil rights for the American people.

Mr. CONYERS. I thank my colleague from Texas for yielding me time.

Mr. Chairman, I would like to just point out that this is another one of the famous half-loaf amendments that we are being peppered with this afternoon.

The amendment leaves ''interferes with an investigation'' open, but it does take away ''when it would delay a trial.'' We get half a loaf here again, so I cannot oppose the amendment, because it did make some improvement. After all, what is progress, even if it may be slow?

But at the same time, this may be a nonterrorist provision within the PATRIOT Act, because we already have a provision for secret searches for terrorists. So letting this section expire altogether would not interfere with secret searches for terrorists at all.

What we found out in our examination, the staff examination, is that 90 percent of the uses of the sneak-and-peak authority have been for nonterrorism cases. It seems to me that this amendment goes along in that same direction.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

□ 1645

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my great pleasure to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a former attorney general of the great State of Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support of the Flake-Otter sneak-and-peek amendment to drop this provision. Keeping America safe is not a partisan issue; but, unfortunately, several provisions of H.R. 3199 are.

Now, we could have had a bipartisan solution that extends the provisions that are effective and modifies those that need changes. This amendment addresses one of those changes by preventing the use of sneak-and-peek searches when the sole purpose of the delayed notification is to postpone a trial. The current provision is too broad, and this amendment would limit these searches to terrorism cases.

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

I look forward to working with my colleagues to make many changes to H.R. 3199 to fight terrorism and to protect our freedoms. I urge the Senate to take a more bipartisan approach to the renewal of the USA PATRIOT Act, and I hope that they are more open to sunsets which require Congress to review the act, extend what is working, and change what is not. Sunsets would make the bill better, but the rule does not permit us to vote on this important modification.

I hope my colleagues will join me in supporting this responsible amendment.

Mr. FLAKE. Mr. Chairman, I yield myself the remaining time to conclude briefly, simply to say that the distinguished ranking minority member of the committee, the gentleman from Michigan (Mr. CONYERS), mentioned that the amendment represents half a loaf, and I will freely concede that it does. Rarely do you get an amendment to a bill that represents the full loaf.

But I should point out that in committee we considered another half-a-loaf amendment, if you will, to section 213; and that amendment by myself and the gentleman from New York (Mr. NADLER) clarified or, not clarified, but actually put in some false stops with regard to delayed notification searches where you have to appear before a judge after 80 days to justify delayed notifications. After 90-day increments beyond that time, you have to appear again and justify that search as well. That is the other half a loaf.

We have also had many other amendments in committee, and here on the floor, that could be considered half a loaf. With that, I think we got a pretty good product in the end, and that is what we are seeking to have here.

I would urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109–178 on which further proceedings were postponed, in the following order: amendment No. 2 offered by Mr. FLAKE of Arizona; amendment No. 3 offered by Mr. ISSA of California; amendment No. 4 offered by Mrs. CAPITO of West Virginia; amendment No. 5 offered by Mr. FLAKE of Arizona; amendment No. 7 offered by Mr. DELAHUNT of Massachusetts; amendment No. 8 offered by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE OF ARIZONA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 26, not voting 5, as follows:

[Roll No. 403]

AYES—402

Abercrombie	Akin	Andrews
Ackerman	Alexander	Baca
Aderholt	Allen	Baird

Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—26

Bachus
Biggert
Bonilla
Bono
Burton (IN)
Buyer
Calvert
Cole (OK)
Davis (KY)
Hoekstra
Hostettler
Johnson, Sam
Lewis (CA)
Linder
Myrick
Oxley
Price (GA)
Renzi
Rogers (MI)
Sessions
Shadegg
Souder
Thomas
Thornberry
Tiahrt
Walsh

NOT VOTING—5

Brown (SC)
Cox
Hastings (FL)
Hinojosa
Miller (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1711

Mr. BUYER, Mrs. BONO, Messrs. HOEKSTRA, ROGERS of Michigan, LEWIS of California, COLE, CALVERT, WALSH, SESSIONS, Mrs. MYRICK, Messrs. PRICE of Georgia, BACHUS, OXLEY and THOMAS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 403, I was unavoidably detained. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 3 OFFERED BY MR. ISSA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ISSA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 21, not voting 6, as follows:

[Roll No. 404]

AYES—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup

Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—21

Bachus
Biggert
Bonilla
Bono
Buyer
Cantor
Cole (OK)
Davis (KY)
DeLay
Everett
Hefley
Hunter
Johnson, Sam
Linder
Oxley
Rogers (MI)
Shuster
Souder
Thornberry
Tiahrt
Westmoreland

NOT VOTING—6

Brown (SC)
Burton (IN)
Cox
Hastings (FL)
Hinojosa
Ros-Lehtinen

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1720

Mr. INGLIS of South Carolina changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 66, not voting 5, as follows:

[Roll No. 405]

AYES—362

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—66

Abercrombie
Allen
Baldwin
Becerra
Blumenauer
Brown (OH)
Capuano
Carson
Clay
Cleaver
Conyers
Costello
Cummings
Davis (IL)
DeGette
Delahunt
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Holt
Honda
Jackson (IL)
Johnson, E. B.
Kucinich
Lee
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Mollohan
Moore (WI)
Nadler
Neal (MA)
Olver
Owens
Pastor
Paul
Payne
Rangel
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Slaughter
Stark
Tierney
Towns
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—5

Brown (SC)
Cox
Hastings (FL)
Hinojosa
Saxton

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1729

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 394, noes 32, not voting 7, as follows:

[Roll No. 406]

AYES—394

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—32

Aderholt
Bachus
Barton (TX)
Bonner
Bono
Cantor
Conyers
Cubin
Everett
Franks (AZ)
Hall
Hostettler
Hunter
Hyde
Johnson, Sam
Kilpatrick (MI)
LaHood
Lee
Lewis (CA)
Linder
McKinney
Oxley
Rogers (AL)
Rogers (MI)
Ryun (KS)
Sessions
Shadegg
Souder
Thornberry
Tiahrt
Westmoreland
Whitfield

NOT VOTING—7

Brown (SC)
Cox
Hastings (FL)
Hinojosa
Johnson (CT)
Mica
Taylor (NC)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1736

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. DELAHUNT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 7, not voting 8, as follows:

[Roll No. 407]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver

Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—7

Bono
Cantor
Cubin
Hayes
Hunter
Rogers (MI)
Saxton

NOT VOTING—8

Boehner
Brown (SC)
Brown, Corrine
Cox
Gohmert
Hastings (FL)
Hinojosa
Hoekstra

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1743

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 21, not voting 5, as follows:

[Roll No. 408]

AYES—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—21

Barton (TX)
Bonilla
Bono
Cantor
Cole (OK)
Davis (KY)
Hayworth
Hostettler
Hunter
Knollenberg
Linder
Oxley
Renzi
Rogers (MI)
Sessions
Shadegg
Shuster
Souder
Thornberry
Tiahrt
Westmoreland

NOT VOTING—5

Brown (SC)
Cox
Gohmert
Hastings (FL)
Hinojosa

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1750

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. HASTINGS of Washington, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, had come to no resolution thereon.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART IV

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committees on Transportation and Infrastructure, Ways and Means, Science,

and Resources be discharged from further consideration of the bill (H.R. 3377) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 3377

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2005, Part IV''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking '', and the Surface Transportation Extension Act of 2005, Part III'' and inserting ''the Surface Transportation Extension Act of 2005, Part III, and the Surface Transportation Extension Act of 2005, Part IV''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$2,268,000,000'' and inserting ''$2,301,370,400''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ''July 21'' inserting ''July 27''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$27,563,412,240 for the period of October 1, 2004, through July 21, 2005'' and inserting $27,968,968,718 for the period of October 1, 2004, through July 27, 2005.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1)—

(A) by striking ''July 21'' and inserting ''July 27'';

(B) by striking '', and the Surface Transportation Extension Act of 2005, Part III'' and inserting ''the Surface Transportation Extension Act of 2005, Part III, and the Surface Transportation Extension Act of 2005, Part IV''; and

(C) by striking ''80.8 percent'' and inserting ''82.2 percent''; and

(2) in paragraph (2)—

(A) by striking ''July 21, 2005, shall not exceed $28,107,000,000'' and inserting ''July 27, 2005, shall not exceed $28,520,554,600''; and

(B) by striking ''$517,590,000'' and inserting ''$525,205,602''; and

(3) in paragraph (3) by striking ''July 21'' and inserting ''July 27''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$285,139,440'' and inserting ''$289,334,862''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended—

(i) in the first sentence by striking ''$222,750,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$226,027,450 for the period of October 1, 2004, through July 27, 2005''; and

(ii) in the second sentence by striking ''$10,530,000'' and inserting ''$10,684,934''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$199,260,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$202,191,828 for the period of October 1, 2004, through July 27, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$133,650,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$135,616,470 for the period of October 1, 2004, through July 27, 2005''.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$16,200,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$16,438,360 for the period of October 1, 2004, through July 27, 2005''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$113,400,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$115,068,520 for the period of October 1, 2004, through July 27, 2005''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$30,780,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$31,232,884 for the period of October 1, 2004, through July 27, 2005''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended—

(i) in clause (i) by striking ''$8,100,000'' and inserting ''$8,219,180'';

(ii) in clause (ii) by striking ''$4,050,000'' and inserting ''$4,109,590''; and

(iii) in clause (iii) by striking ''$4,050,000'' and inserting ''$4,109,590''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$21,465,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$21,780,827 for the period of October 1, 2004, through July 27, 2005''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$8,910,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$9,041,098 for the period of October 1, 2004, through July 27, 2005''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$4,050,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$4,109,590 for the period of October 1, 2004, through July 27, 2005''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$89,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$90,410,980 for the period of October 1, 2004, through July 27, 2005''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$405,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$410,959 for the period of October 1, 2004, through July 27, 2005''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$20,250,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$20,547,950 for the period of October 1, 2004, through July 27, 2005''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

''(G) $106,849,340 for the period of October 1, 2004, through July 27, 2005.'';

(B) in subsection (a)(2) by striking ''$1,620,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$1,643,836 for the period of October 1, 2004, through July 27, 2005''; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking ''$2,106,000,000'' and inserting ''$2,136,986,800''.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended—

(A) by striking ''$1,215,000'' and inserting ''$1,232,877''; and

(B) by striking ''July 21'' and inserting ''July 27''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$83,430,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$84,657,554 for the period of October 1, 2004, through July 27, 2005''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$40,500,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$41,095,900 for the period of October 1, 2004, through July 27, 2005''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$16,200,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$16,438,360 for the period of October 1, 2004, through July 27, 2005''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$25,110,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$25,479,458 for the period of October 1, 2004, through July 27, 2005''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$89,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$90,410,980 for the period of October 1, 2004, through July 27, 2005''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$98,820,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$100,273,996 for the period of October 1, 2004, through July 27, 2005''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$21,465,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$21,780,827 for the period of October 1, 2004, through July 27, 2005''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$176,175,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$178,767,165 for the period of October 1, 2004, through July 27, 2005''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$29,484,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$29,917,815 for the period of October 1, 2004, through July 27, 2005''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$15,228,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$15,452,058 for the period of October 1, 2004, through July 27, 2005''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$405,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$410,959 for the period of October 1, 2004, through July 27, 2005''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$81,000,000'' and inserting ''$82,191,800''; and

(2) by striking ''July 21'' and inserting ''July 27''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$81,000,000'' and inserting ''$82,191,800''; and

(2) by striking ''July 21'' and inserting ''July 27''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$607,500 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$616,439 for the period of October 1, 2004, through July 27, 2005''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$4,252,000'' and inserting ''$4,315,069'';

(2) by striking ''$202,500'' and inserting ''$205,480''; and

(3) by striking ''July 21'' each place it appears and inserting ''July 27''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1) by striking ''$8,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$8,219,180 for the period of October 1, 2004, through July 27, 2005''; and

(2) in paragraph (2) by striking ''$8,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$8,219,180 for the period of October 1, 2004, through July 27, 2005''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2005, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act of 2005, Part IV''; and

(2) by striking ''and section 4(a) of the Surface Transportation Extension Act of 2005, Part III'' and inserting ''section 4(a) of the Surface Transportation Extension Act of 2005, Part III, and section 4(a) of the Surface Transportation Extension Act of 2005, Part IV''.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''and section 4 of Surface Transportation Extension Act of 2005, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act of 2005, Part IV'';

(2) by striking ''and section 4 of the Surface Transportation Extension Act, Part III'' the first place it appears and inserting ''section 4 of the Surface Transportation Extension Act, Part III, and section 4 of the Surface Transportation Extension Act, Part IV''; and

(3) by striking '', and section 4 of the Surface Transportation Extension Act, Part III'' the second place it appears and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act, Part IV''.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking '', and section 4 of the Surface Transportation Extension Act, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act, Part IV''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$90,720,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$92,054,794,521 for the period of October 1, 2004, through July 27, 2005''.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$89,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$90,410,958,900 for the period of October 1, 2004, through July 27, 2005''.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$133,650,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$135,616,438,356 for the period of October 1, 2004, through July 27, 2005''.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$58,320,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$59,178,082,192 for the period of October 1, 2004, through July 27, 2005''.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$16,200,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$16,438,356,164 for the period of October 1, 2004, through July 27, 2005''.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$32,400,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$32,876,712,329 for the period of October 1, 2004, through July 27, 2005''.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$2,916,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$2,958,904,110 for the period of October 1, 2004, through July 27, 2005''.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$208,154,425 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$211,682,467 for the period of October 1, 2004, through July 27, 2005''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

''(8) Not more than $138,904,110 for the period of October 1, 2004, through July 27, 2005.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

''(6) $16,438,356 for the period of October 1, 2004, through July 27, 2005.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended—

(A) by striking ''July 21'' and inserting ''July 27''; and

(B) by striking ''$808,219'' and inserting ''$821,918''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$808,219'' and inserting ''$821,918''; and

(2) by striking ''July 21'' and inserting ''July 27''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(B) by striking ''$8,424,000'' and inserting ''$8,547,000''; and

(C) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (3)(B)—

(A) by striking ''$2,430,000'' and inserting ''$2,465,754''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in paragraph (3)(C)—

(A) by striking ''$40,500,000'' and inserting ''$41,095,900''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in paragraph (2)(A)(vii)—

(A) by striking ''$2,793,483,000'' and inserting ''$2,795,000,000''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (2)(B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in paragraph (2)(C) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in the matter preceding paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (1) by striking ''$3,928,459'' and inserting ''$3,986,261'';

(4) in paragraph (2) by striking ''$40,500,000'' and inserting ''$41,095,900'';

(5) in paragraph (3) by striking ''$79,052,761'' and inserting ''$79,100,000'';

(6) in paragraph (4) by striking ''$209,819,203'' and inserting ''$210,000,000''; and

(7) in paragraph (5) by striking ''$5,629,500'' and inserting ''$5,712,330''.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$2,263,265,142'' and inserting ''$2,309,000,366''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$48,546,727'' and inserting ''$49,546,681''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$37,385,434'' and inserting ''$39,554,804''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in subparagraph (C) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in the matter preceding paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (1) by striking ''$4,252,500'' and inserting ''$4,315,070'';

(4) in paragraph (2) by striking ''$6,682,500'' and inserting ''$6,780,824''; and

(5) in paragraph (3)—

(A) by striking ''$3,240,000'' and inserting ''$3,287,672''; and

(B) by striking ''$810,000'' and inserting ''$821,918''.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in subparagraph (A)—

(A) by striking ''$4,060,000'' and inserting ''$4,131,508''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in subparagraph (B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(B) in paragraph (1)(A) by striking ''$1,620,000'' and inserting ''$1,643,836'';

(C) in paragraph (1)(B) by striking ''$1,620,000'' and inserting ''$1,643,836''; and

(D) in paragraph (2) by striking ''July 21, 2005'' and inserting ''July 27, 2005'' .

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$52,780,000'' and inserting ''$53,709,604''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking ''$81,027,500'' and inserting ''$82,739,750''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(2) in paragraph (1)(B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in paragraph (2) by striking ''July 21, 2005, not more than $8,100,000'' and inserting ''July 27, 2005, not more than $8,219,180''.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking paragraph (1)(G) and inserting the following:

''(G) $5,712,330 for the period of October 1, 2004, through July 27, 2005.''; and

(2) in paragraph (2)—

(A) by striking ''$1,407,375'' and inserting ''$1,428,082''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005''; and

(2) in subparagraph (A) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$6,229,759,760'' and inserting ''$6,335,343,944''; and

(2) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(2) by striking ''$3,928,500'' and inserting ''$3,986,000''.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''July 21, 2005'' and inserting ''July 27, 2005,''; and

(2) by striking ''$4,050,000'' and inserting ''$4,100,000''.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) are amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) are amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) is amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

''(7) $8,219,180 for the period of October 1, 2004, through July 27, 2005;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

''(4) FIRST 300 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 27, 2005, of the balance of each annual

appropriation remaining after making the distribution under subsection (a), an amount equal to $66,500,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $8,219,180 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $6,480,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$4,050,000'' and inserting ''$4,100,000''; and

(2) by striking ''$1,620,003'' and inserting ''$1,643,836''.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''July 22, 2005'' and inserting ''July 28, 2005'',

(B) by striking ''or'' at the end of subparagraph (M),

(C) by striking the period at the end of subparagraph (N) and inserting '', or'',

(D) by inserting after subparagraph (N) the following new subparagraph:

''(O) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part IV.'', and

(E) in the matter after subparagraph (O), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''July 22, 2005'' and inserting ''July 28, 2005'',

(B) in subparagraph (K), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (L), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (L) the following new subparagraph:

''(M) the Surface Transportation Extension Act of 2005, Part IV,'', and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''July 22, 2005'' and inserting ''July 28, 2005''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2005, Part III'' each place it appears and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''July 22, 2005'' and inserting ''July 28, 2005'', and

(B) by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''July 22, 2005'' and inserting ''July 28, 2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 27, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOMEN'S CAUCUS MEETS WITH IRAQI WOMEN

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I would like the Members of Congress to recognize the fact we have some visitors from Iraq, some Iraqi women who are here to learn how to put together a Constitution for Iraq. These are women who have been involved in the government, very, very brave women. The Women's Caucus met with them today and pledged our full support to a free and democratic Iraq, and one that we can all be proud of in the future and that certainly will reflect the great work that our military has done to help create a democracy in Iraq.

We ended our meeting with lifting glasses of water and toasting to democracy.

PROVIDING SUPPORT TO IRAQI WOMEN IN GOVERNMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise to acknowledge some guests that have visited us today, and I am proud to stand with my colleagues from both sides of the aisle. The Women's Caucus of the U.S. Congress had a meeting earlier today, along with Iraqi women who represent their government, members of the Provisional Assembly.

We met to talk about reforms that are much needed in their Constitution and respect for women's rights, and I am happy and pleased that our Members stood with them today and also were in the presence of the State Department who brought these courageous women here.

These women are in need of our support. Their Constitution, as we were told, is fluid. It is changing. They need protections, they need assistance, and we have pledged our help, along with our colleagues from the other side of the aisle, to do as much as we can to provide support so they can continue with these reforms that are so sorely needed.

Their Constitution has changed. When we were first told upon their first visit here that they would be represented well in government, that their rights would be reinstated, they would be able to attend to their careers, we know that has changed. There is now a different edict that is coming about; and we would like to stand tall and firm with our colleagues in Iraq, the Iraqi women, and send that message to their government as well as to our government.

Mrs. CAPPS. Mr. Speaker, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, I want to acknowledge this is a very strong bipartisan effort on behalf of the Congress, the Women's Caucus and the Iraqi Women's Military Caucus as well. We acknowledge their presence here.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on the morning of Thursday, July 21, 2005, this morning, I was not in Washington due to personal business and was therefore unable to vote.

If I were here, I would have voted ''no'' on rollcall vote 401; and ''no'' on rollcall vote 402.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 369 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. 3199.

□ 1757

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. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, with Mr. HASTINGS of Washington (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in part B of House Report 109–178, offered by the gentleman from Arizona (Mr. FLAKE), had been disposed of.

It is now in order to consider amendment No. 9 printed in House Report 109–178.

AMENDMENT NO. 9 OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BERMAN:

Add at the end the following:

SEC. 17. REPORT BY ATTORNEY GENERAL.

(a) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The Attorney General shall collect the information described in paragraph (2) from the head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology and shall report to Congress on all such activities.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on the Judiciary of both the Senate and the House of Representatives.

(3) TIME FOR REPORT.—The report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated once a year to include any new data-mining technologies.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

REQUEST FOR MODIFICATION TO AMENDMENT NO. 9 OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that my amendment be modified by the modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 9 by Mr. BERMAN:

In lieu of the matter proposed to be inserted as section 17(a)(2)(H), insert the following:

''(H) Any necessary classified information, other than intelligence sources and methods, in a classified annex that shall be available to the Committee on the Judiciary of both the House and the Senate, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence.

(I) Any information that would reveal intelligence sources and methods shall be available in a classified annex to the House Permanent Select Committee and the Senate Select Committee on Intelligence.''

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from California?

Mr. SAXTON. Reserving the right to object, Mr. Chairman, I am in strong opposition to the underlying amendment, and I also have great concerns about the unanimous consent request.

Mr. Chairman, I believe the unanimous consent request is designed to make minimal changes in the underlying amendment. I also believe that the unanimous consent request is designed to make the bill less objectionable to some Members and thereby encourage them to vote for it.

□ 1800

I am so opposed to the underlying amendment that I am therefore opposed to the unanimous consent request.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Basically, this is an amendment supported, I am happy to say, by the chairman of the Committee on the Judiciary, that simply does one thing: It requires the Attorney General to report to Congress once a year on a survey that it seeks from other agencies of the Federal Government surveying data-mining technologies in use or in development at federal departments and agencies. The modification that I seek simply makes clear that, first of all, any classified information will be submitted in a classified annex and, secondly, that any information regarding data-mining technologies that deals with the sources, intelligence sources and methods, will be available only in the annex to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence; in other words, that to the extent this survey produces anything which should either be classified or deals with sources and methods, the traditional procedures for where that material goes will be maintained.

Mr. SAXTON. Mr. Chairman, further reserving the right to object, I appreciate the gentleman's explanation. The underlying amendment makes unnecessary disclosure of very sensitive information. It is burdensome upon each of the departments that it requires this disclosure to be brought forward, and as a matter of fact, the explanation that the gentleman just gave saying that makes it only available to HPSCI and SSCI, the two intelligence committees, does not include the Committee on Armed Services, which has great responsibility for military defense intelligence.

So I do object, Mr. Chairman.

The Acting CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have indicated to the body what my intention was, and it will be my intention and one to be part of the legislative history that we will ensure that, before this bill becomes law, information about sources and methods go just where they have always gone. The Committee on Armed Services does not get this information. Only the Permanent Select Committee on Intelligence gets this information. The gentleman was wrong in his characterization.

Secondly, this imposes absolutely no burden on any other agency of government other than the Attorney General and the Justice Department. It lays out information that the Attorney General should seek from other agencies. It imposes no obligation on those agencies to respond. It does not encumber any sources or funds they do not want to spend, and it simply asks the Attorney General to then compile

whatever information those agencies have chosen to provide to the Attorney General into a report which will be sent public in the case of information which is not sensitive and classified in an annex classified where it does involve such information.

There is not one word in this bill that imposes a single mandate on any other federal agency. The only obligation on the Attorney General is to seek this information from the other agencies. There are no sanctions. There are no mandates. There is no compulsion.

The reason, I would suggest to this body, that we will hear some people raising concerns is because the Justice Department has misrepresented the obligations of both it and other agencies under this amendment.

The need for this amendment is that we have wasted millions and millions of dollars on implementing database-mining activities which, when they became public, produced such an outrage they were canceled. We are trying to get an early start, show the people that these efforts are protected, that they are targeted at sensitive information.

We could have introduced a bill or offered an amendment to ban data mining. We did not do that. There is legislation to do that. We do not want to tie the hands of our security agencies in gathering this information. We simply want to provide a logical mechanism to gather the information so that the American people can feel more comfortable that what is being done is protected.

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

Mr. HOEKSTRA. Mr. Chairman, I rise, reluctantly, to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Earlier this afternoon my colleague and I talked about potential ways to fix this amendment, and I think that we reached a consensus as to perhaps how we could address the issues that we were concerned about from an intelligence standpoint. But with the lack of the unanimous consent request being accepted and also as we went through the process this afternoon, we found out that a number of other chairmen also had concerns about this amendment and how it might impact the various government agencies that they had responsibilities for. Those include the gentleman from California (Chairman HUNTER) from the Committee on Armed Services, the gentleman from Ohio (Chairman OXLEY) from the Committee on Financial Services, the gentleman from Virginia (Chairman TOM DAVIS) from the Committee on Government Reform, and the gentleman from Illinois (Chairman HYDE) from the Committee on International Relations.

But specifically what happens here, the amendment in its base form, I think, provides a potential to tip off terrorists to our intelligence activities. It undermines terrorism investigations and perhaps will disclose our intelligence sources and methods. The amendment requires every federal department or agency publicly to report about its information gathering. It requires exhaustive and detailed reporting on how information is collected from public and certain government databases and what kind of information is collected and how it will be used.

In many contexts this report will be a reasonable effort to protect privacy interests. In the intelligence and terrorism context, however, this amendment threatens to seriously undermine our national security interests.

I have a great degree of confidence that, as we move forward, we will be able to reach accommodation. We just could not do it this afternoon with the number of other committees that also had expressed concerns with this amendment.

I look forward to working with my colleague, to working with our other chairmen to put this amendment in a proper context. Right now it would be foolish to potentially tip off al Qaeda, other terrorist groups by providing them with any information, with providing them a detailed roadmap of the sources and methods we are using to find them and follow their activities.

At this time in this format, this amendment is unwise, potentially harmful to our national security, and I reluctantly urge our Members to oppose it.

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

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Berman-Delahunt amendment. All it does is require a report to Congress on data mining by agencies.

Let me say why this is important. At the end of the last decade, before 9/11 and before the PATRIOT Act was even considered, the FBI had set up a data-mining operation that went far beyond criminal and intelligence investigations and compromised the privacy of literally millions of Americans, and this was done without the knowledge of the Congress of the United States, and it was only as a result of the fact that it did not work and they wasted all of this money that the Congress found out about it.

So I think that before any of the agencies go down this route, there ought to be at least a tip-off to the Members of Congress. I grant the Members that the amendment probably is not properly drafted and we can fix this in conference, and I appreciate the commitment of the chairman of the Permanent Select Committee on Intelligence to do that, but I do not think we should turn it down and send a message to the agencies that they can data mine all they want and we are not going to do anything about it.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I think we can meet some of the concerns expressed so far without adopting this amendment.

Let us just back up for just a second. There is a lot of individual information somewhere in the country in little pieces. The challenge we have in the war on terrorism is looking around for those pieces that matter and trying to fit them together. That is really what data mining is. It is looking at various databases and coming up with the relevant pieces of information and helping us to form a picture about what really happens.

There has been some misunderstanding and I think some undue controversy about that for we will never get all those pieces of information together without these tools that help us do so. To the extent this amendment adds additional reporting requirements and sends a message that we want to discourage them in various agencies from using those tools, I think, does a disservice.

Maybe there are some protections that we can come up with that help address the concerns of the chairman of the Committee on the Judiciary, but I think to simply add more reporting requirements and have these people filling out more paperwork when they really ought to be figuring out who the terrorists are and what they are up to is a misuse of their time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the course of yielding to my next speaker, I just want to remind the body it is one report, once a year, with anything that would tip off anybody about anything that we would not want to happen to be in a classified form, even in the amendment form without modification.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment. As the chairman of the Permanent Select Committee on Intelligence just said, we did try to work out a unanimous consent request. We agreed among us, but, sadly, others in this body did not agree.

The chairman of the Committee on the Judiciary is right. This is a modest amendment that will yield good information so that we will proceed to do data mining in an efficient way consistent with protecting the civil liberties of law-abiding Americans. That

is all it does. It requires only the Justice Department to prepare a report, not the Defense Department and not other departments in the government.

So my view is that we should vote for this amendment now and perfect it later. I agree with the chairman of the Committee on the Judiciary. It will help us do data mining the right way, and America will be safer for it.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to join with the chairman of the Permanent Select Committee on Intelligence in opposing this amendment and just making the point that sources and methods are important. His analysis and the analysis of his experts and ours is that this would indeed compromise those capabilities.

I think it is a real mistake to pass this amendment. I would hope the House votes it down.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

The cynicism sometimes stuns me. I offered an amendment to ensure that sources and methods only go to the Permanent Select Committee on Intelligence, and a member of the Committee on Armed Services objects, and then the chairman says we are not protecting sources and methods so he has to oppose it.

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

□ 1815

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I indicated earlier, the Berman amendment would potentially undermine the intelligence community's ability in the current form to collect information on terrorists by tipping the terrorists off to our sources and methods.

The amendment would require disclosure of data mining sources and methods used to collect information on terrorists and contains no exemption for national security purposes.

The House has worked to increase the use of open source and other information against foreign terrorists and others who seek to harm the United States. The amendment applies onerous reporting requirements that could dramatically restrict the use of such technologies to use such resources to discover and respond to terrorist activities.

Finally, it would divert scarce government resources away from the most critical fight that we have today, the fight against terror.

Join me, the gentleman from California (Mr. HUNTER), the gentleman from (Mr. OXLEY), the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Illinois (Mr. HYDE) in opposing this amendment; not the direction the amendment wants to go, but in the way this amendment is crafted at this time and in this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), the cosponsor of this amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 45 seconds.

Mr. DELAHUNT. Mr. Chairman, this has absolutely nothing to do whatsoever with sending messages about terrorism. It is trying to find out what is happening in the Federal Government today, and we do not know. We have heard a lot today about oversight and accountability. That is what we are trying to do here.

Remember the so-called Total Information Program that was the brainchild of the former National Security Administrator that we funded to the tune of $170 million, and then defunded it? It was too late. We wasted $170 million. That is what this is about. It is providing the tools to the United States Congress to do its constitutional job of oversight.

Mr. Chairman, do you know what? We do not know what is happening. That is the real secret as far as the American people are concerned. We stumble on these things.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. I am particularly concerned about the burdens the amendment would place on two law enforcement entities within the jurisdiction of Committee on Financial Services. Under this amendment, both the Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCen), which are components of the Treasury Department that are on the front lines of our country's efforts to detect and combat terrorist financing, would be required to divert already scarce resources away from law enforcement in order to comply with the amendment's overly broad and unrealistic reporting requirements. Instead of monitoring suspicious financial activity and following money trails that can lead investigators to terrorist plots like the ones we have seen in recent days in London, OFAC and FinCen would need to interpret undefined and ambiguous terms used in the amendment such as "specific individual's personal identifiers" or engage in analyzing all laws and regulations governing various types of information in question.

The Committee I chair has extensive experience in the financial services area with regimes that permit individuals to "opt out" of information sharing arrangements. Such regimes require careful balancing of personal privacy and law enforcement and national security priorities and cannot be drafted on the fly without extensive consultation with all interested parties. This amendment, in my judgment, falls far short of the mark. I urge a "no" vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. BERMAN) will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 109–178.

AMENDMENT NO. 10 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DANIEL E. LUNGREN of California:

Add at the end the following:

SEC. _____. INTERCEPTION OF COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c)—

(A) by inserting before "section 201 (bribery of public officials and witnesses)" the following: "section 81 (arson within special maritime and territorial jurisdiction),";

(B) by inserting before "subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives)" the following: "subsections (m) or (n) of section 842 (relating to plastic explosives),"; and

(C) by inserting before "section 1992 (relating to wrecking trains)" the following: ", section 930(c) (relating to attack on federal facility with firearm), section 956 (conspiracy to harm persons or property overseas),"; and

(2) in paragraph (j)—

(A) by striking "or" before "section 46502 (relating to aircraft piracy)" and inserting a comma after "section 60123(b) (relating to the destruction of a natural gas pipeline"; and

(B) by inserting ", the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)" before of "title 49".

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. DANIEL E. LUNGREN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward amendment. This amendment deals with the predicate for the use of wiretaps under the Federal Code.

Current law may not authorize the use of electronic surveillance in criminal investigations of certain other crimes that terrorists are likely to commit. This amendment would fill in a gap in the law by adding six other predicates for the electronic surveillance and monitoring under 18 U.S.C. 2516(1).

While we were considering this bill in committee, the gentleman from California (Mr. SCHIFF) had an amendment which added a number of offenses to the wiretap statute. They went all the way from fraud and misuse of visas and violence at international airports, to offenses relating to torture, offenses relating to terrorist attacks against mass transportation, offenses of military-type training from foreign terrorists, offenses related to explosive materials.

There are a number of others that I believe should be in that same category that, unfortunately, we did not include when we considered his amendment. This proposed language would permit the interception by wire or by oral surveillance if the interception would provide evidence of six different types of crimes:

One, arson within special maritime and territorial jurisdiction;

Two, offenses relating to plastic explosives;

Three, offenses related to attack on Federal facility with firearm;

Four, conspiracy to harm persons or property overseas;

Five, offenses relating to assault on a flight crew with dangerous weapon;

Six, offenses related to explosive or incendiary devices, or endangerment of human life, by means of weapons on an aircraft.

This amendment does nothing, nothing whatsoever, to affect the standard of obtaining a wiretap. That remains the same. Rather, it merely takes offenses which have a nexus with terrorism and gives law enforcement the additional investigative tool to undercover evidence of their commissions through a wire or oral surveillance.

The ability of law enforcement to intercept communications related to these terrorism-related offenses is a critical aspect of the effort, not only of uncovering evidence of the most dangerous life-threatening activity, but also in strengthening our ability to apprehend these perpetrators before they inevitably strike again.

That is probably the major focus of our efforts with this bill; that is, how do we apprehend these perpetrators before they strike? Such surveillance will better enable law enforcement to be proactive in preventing future terrorist attacks.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I support the gentleman's amendment and I hope we can adopt it fairly quickly. What this amendment does is simply add the following predicates to allow law enforcement to go to a judge to seek a wiretap order: Crimes of terrorism such as arson, plastic explosives, attacks on a Federal facility with firearms, and conspiracy to harm persons or property overseas.

I think all of these are legitimate predicates. I would hope the gentleman's amendment is adopted, and thank him for yielding.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

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

Mr. Chairman, this expands the wiretap authority, but it limits the expansion to cases of terrorism. I would say to the gentleman from California and to the chairman, if the rest of the bill had been limited to terrorism, we would not have to be sitting up here arguing half the night.

I agree with the gentleman, we want to be tough on terrorism, but we don't want to open up the entire criminal code to these very expansive powers. So in this case, I think it is an appropriate expansion of the wiretap because it is limited to terrorism, and I thank the gentleman for the amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to concur with the comments made by the ranking member, the gentleman from Virginia (Mr. SCOTT), and to thank my colleague from California for the amendment, and just note that as I read through it and agreed with this, and I thank the gentleman for offering the amendment, it occurs to me that there are a few other items that perhaps should have been included, and I am hopeful that the committee might, we do not have a sunset, but we might actually spend some time scrubbing the code and making sure that we have scooped them all up in an appropriate way.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask for an aye vote, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. DANIEL E. LUNGREN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–178.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SCHIFF:

Add at the end the following:

TITLE ____—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Reducing Crime and Terrorism at America's Seaports Act of 2005''.

SEC. __02. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or'';

(2) in subsection (b)(1), by striking ''5 years'' and inserting ''10 years'';

(3) in subsection (c)(1), by inserting '', captain of the seaport,'' after ''airport authority''; and

(4) by striking the section heading and inserting the following:

''§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

''1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.''.

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 26. Definition of seaport

''As used in this title, the term 'seaport' means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 25 the following:

''26. Definition of seaport.''.

SEC. __03. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

''(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

''(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

''(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest; or

''(B) intentionally provide materially false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

''(b) Whoever violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.

''(c) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

''(e) In this section—

''(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

''(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

''(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and

''(4) the term 'vessel of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

''2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.''.

SEC. __04. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', passenger vessel,'' after ''transportation vehicle'';

(B) in paragraphs (2)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider'' each place that term appears;

(C) in paragraph (3)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle'' each place that term appears; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider'' each place that term appears;

(D) in paragraph (5)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider''; and

(E) in paragraph (6), by inserting ''or owner of a passenger vessel'' after ''transportation provider'' each place that term appears;

(2) in subsection (b)(1), by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

''(6) the term 'passenger vessel' has the meaning given that term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel, as that term is defined under section 2101(35) of that title.''.

SEC. __05. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES.

(a) PLACEMENT OF DESTRUCTIVE DEVICES.—Chapter 111 of title 18, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

''§ 2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage Ships or to interfere with maritime commerce

''(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title or imprisoned for any term of years, or for life; or both.

''(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

''(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

''(d) In this section:

''(1) The term 'dangerous substance' means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

''(2) The term 'device' means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsection (b), is further amended by adding after the item related to section 2282 the following:

''2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.''.

(b) VIOLENCE AGAINST MARITIME NAVIGATION.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code as amended by subsections (a) and (c), is further amended by adding at the end the following:

''§ 2282B. Violence against aids to maritime navigation

''Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b) and (d) is further amended by adding after the item related to section 2282A the following:

''2282B. Violence against aids to maritime navigation.''.

SEC. __06. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section __05, is further amended by adding at the end the following:

''§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

''(a) IN GENERAL.—Whoever knowingly transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing or having reason to believe that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEATH PENALTY.—If the death of any individual results from an offense under subsection (a) the offender may be punished by death.

''(c) DEFINITIONS.—In this section:

''(1) BIOLOGICAL AGENT.—The term 'biological agent' means any biological agent, toxin, or vector (as those terms are defined in section 178).

''(2) BY-PRODUCT MATERIAL.—The term 'by-product material' has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

''(3) CHEMICAL WEAPON.—The term 'chemical weapon' has the meaning given that term in section 229F(1).

''(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term 'explosive or incendiary device' has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

''(5) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given that term in section 831(f)(1).

''(6) RADIOACTIVE MATERIAL.—The term 'radioactive material' means—

''(A) source material and special nuclear material, but does not include natural or depleted uranium;

''(B) nuclear by-product material;

''(C) material made radioactive by bombardment in an accelerator; or

''(D) all refined isotopes of radium.

''(8) SOURCE MATERIAL.—The term 'source material' has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

''(9) SPECIAL NUCLEAR MATERIAL.—The term 'special nuclear material' has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

''§ 2284. Transportation of terrorists

''(a) IN GENERAL.—Whoever knowingly transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and

on the high seas or having United States nationality, knowing or having reason to believe that the transported person is a terrorist, shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEFINED TERM.—In this section, the term 'terrorist' means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by section __05, is further amended by adding at the end the following:

''2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.

''2284. Transportation of terrorists.''.

SEC. __07. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

''CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

''Sec.

''2290. Jurisdiction and scope.

''2291. Destruction of vessel or maritime facility.

''2292. Imparting or conveying false information.

''§ 2290. Jurisdiction and scope

''(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

''(1) within the United States and within waters subject to the jurisdiction of the United States; or

''(2) outside United States and—

''(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); or

''(B) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

''(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

''§ 2291. Destruction of vessel or maritime facility

''(a) OFFENSE.—Whoever intentionally—

''(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

''(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

''(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

''(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

''(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

''(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

''(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8), shall be fined under this title or imprisoned not more than 30 years, or both.

''(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

''(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under this title, imprisoned for a term up to life, or both.

''(d) DEATH PENALTY.—If the death of any individual results from an offense under subsection (a) the offender shall be punished by death or imprisonment for any term or years or for life.

''(e) THREATS.—Whoever knowingly imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

''§ 2292. Imparting or conveying false information

''(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

''(b) MALICIOUS CONDUCT.—Whoever knowingly, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title or imprisoned not more than 5 years.''.

(c) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

''111A. Destruction of, or interference with, vessels or maritime facilities ..... 2290''.

SEC. __08. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''trailer,'' after ''motortruck,'';

(B) by inserting ''air cargo container,'' after ''aircraft,''; and

(C) by inserting '', or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,'' after ''air navigation facility'';

(2) in the fifth undesignated paragraph, by striking ''in each case'' and all that follows through ''or both'' the second place it appears and inserting ''be fined under this title or imprisoned not more than 15 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than $1,000, shall be fined under this title or imprisoned for not more than 5 years, or both'' ; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: ''For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.''.

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

''''Vessel'' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.''.

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—

(A) TRANSPORTATION.—Section 2312 of title 18, United States Code, is amended—

(i) by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''; and

(ii) by striking ''10 years'' and inserting ''15 years''.

(B) SALE.—Section 2313(a) of title 18, United States Code, is amended—

(i) by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''

(ii) by striking ''10 years'' and inserting ''15 years'' .

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this title.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this title.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any

successor system, by no later than December 31, 2006.

SEC. __09. INCREASED PENALTIES FOR NON-COMPLIANCE WITH MANIFEST REQUIREMENTS.

(a) REPORTING, ENTRY, CLEARANCE REQUIREMENTS.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking ''or aircraft pilot'' and inserting ''aircraft pilot, operator, owner of such vessel, vehicle or aircraft, or any other responsible party (including non-vessel operating common carriers)'';

(2) striking ''$5,000'' and inserting ''$10,000''; and

(3) striking ''$10,000'' and inserting ''$25,000''.

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended—

(1) by striking ''or aircraft pilot'' and inserting ''aircraft pilot, operator, owner of such vessel, vehicle, or aircraft, or any other responsible party (including non-vessel operating common carriers)''; and

(2) by striking ''$2,000'' and inserting ''$10,000''.

(c) FALSITY OR LACK OF MANIFEST.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking ''$1,000'' in each place it occurs and inserting ''$10,000''.

SEC. __10. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking ''Shall be fined under this title or imprisoned not more than one year, or both.'' and inserting the following:

''(1) shall be fined under this title, imprisoned not more than 5 years, or both;

''(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title or imprisoned not more than 20 years, or both; and

''(3) if death results from an offense under this section, shall be subject to the death penalty or to imprisonment for any term or years or for life.''.

SEC. __11. BRIBERY AFFECTING PORT SECURITY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Bribery affecting port security

''(a) IN GENERAL.—Whoever knowingly—

''(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

''(A) influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

''(B) induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or

''(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

''(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

''(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism, shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) DEFINITION.—In this section, the term 'secure or restricted area' means an area of a vessel or facility designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Bribery affecting port security.''.

SEC. __11. PENALTIES FOR SMUGGLING GOODS INTO THE UNITED STATES.

The third undesignated paragraph of section 545 of title 18, United States Code, is amended by striking ''5 years'' and inserting ''20 years''.

SEC. __12. SMUGGLING GOODS FROM THE UNITED STATES.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Smuggling goods from the United States

''(a) IN GENERAL.—Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) DEFINITION.—In this section, the term 'United States' has the meaning given that term in section 545.''

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''554. Smuggling goods from the United States.''.

(c) SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 554 (relating to smuggling goods from the United States),'' before ''section 641 (relating to public money, property, or records),''.

(d) TARIFF ACT OF 1990.—Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding at the end the following:

''(d) Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be forfeited to the United States.''.

(e) REMOVING GOODS FROM CUSTOMS CUSTODY.—Section 549 of title 18, United States Code, is amended in the 5th paragraph by striking ''two years'' and inserting ''10 years''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, earlier this year I introduced the Reducing Crime and Terrorism at America's Seaports Act of 2005 along with my colleague the gentleman from North Carolina (Mr. COBLE), chairman of the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. Our legislation is aimed at filling a gaping hole in our defense against terrorism and making America's ports, passengers and cargos safer.

Today, I offer the text of this important legislation as an amendment to the PATRIOT reauthorization bill, joined by my colleague the gentleman from North Carolina (Chairman COBLE) of the Committee on the Judiciary, as well as the gentleman from Virginia (Mr. FORBES), another colleague on the Committee on the Judiciary.

There are 361 seaports in the United States that serve essential national interests by facilitating the flow of trade and the movement of cruise passengers, as well as supporting the effective and safe deployment of U.S. Armed Forces. These seaport facilities and other marine areas cover some 3.5 million square miles of ocean area and 95,000 miles of coastline.

Millions of shipping containers pass through our ports each month. A single container has room for as much as 60,000 pounds of explosives, 10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City. When you consider that a single ship can carry as many as 8,000 containers at one time, the vulnerability of our seaports is alarming.

Many seaports are still protected by little more than a chain link fence and in far too many instances have no adequate safeguards to ensure that only authorized personnel can access sensitive areas of the port. If we allow this system to continue unchecked, it may be only a matter of time until terrorists attempt to deliver a weapon of mass destruction to our doorstep via truck, ship or cargo container.

Strengthening criminal penalties, as the gentleman from North Carolina (Chairman COBLE) and I proposed with our bill and in this amendment, is one way we can make our Nation's ports less vulnerable by filling this hole in our defense against terrorism and making America's ports, passengers and cargo safer.

This amendment makes common sense changes to our criminal laws to deter and prevent terrorist attacks on our ports, our sea vessels, and cracks down on the theft and smuggling of cargo.

I want to be clear, our amendment is intended to go after terrorists, terrorist acts and other dangerous felons. There is no intention to reach accidents or other unintentional acts that might occur at seaports.

A substantially similar bipartisan version of our legislation has already been reported favorably by the Senate Judiciary Committee and is awaiting action by the full Senate.

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

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, I support this amendment and hope that the committee adopts it. It provides basic and much-needed protections for our Nation's seaports, and it does so by strengthening the criminal code in various areas where our seaports would be vulnerable to either a criminal act or a terrorist act.

Let me state, however, that the Congress has not been sitting idly by since 9/11 on the issue of protecting seaport security. The container security initiative was passed by this Congress several years ago and is being implemented, both in terms of better targeting of containers that come into our ports, as well as security at the ports and screening before the cargo actually arrives. But in terms of people breaking into our ports, perhaps putting bad materials such as bombs or biological or chemical materials in our ports and in the containers in our ports, this is an amendment that is extremely essential.

For that reason, I would urge its adoption.

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

Mr. SCHIFF. Mr. Chairman, I am proud to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee and a lead cosponsor of this amendment. I want to thank the chairman for his important work to bring this issue before the House.

Mr. COBLE. Mr. Chairman, I thank the gentleman from California for yielding me time.

Mr. Chairman, I rise in support of the amendment to reduce crime and terrorism at America's seaports. This amendment is long overdue and reflects the hard work and dedication of my colleagues, the gentleman from California (Mr. SCHIFF), the gentleman from Virginia (Mr. FORBES) and the gentleman from Florida (Mr. STEARNS) to an issue of critical importance to our Nation's safety. I want to thank all of them for their effort to this end.

The amendment that we are offering today will protect our seaports by controlling access to seaports on sensitive areas, providing additional authority to the Coast Guard to investigate vessels, prohibiting use of dangerous weapons or explosives on a passenger vessel, protecting Coast Guard navigational aides on waterways, prohibiting transportation of dangerous materials by potential terrorists, prohibiting destruction or interference with vessels or maritime facilities, increasing penalties for illegal foreign shipments on vessels, increasing penalties for noncompliance with manifest requirements, increasing criminal penalties for stowaways on vessels, and, finally, increasing penalties for bribery of port security authorities and officials.

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These measures are much-needed and long overdue. Again, I thank the gentleman from California (Mr. SCHIFF), the gentleman from Virginia (Mr. FORBES), and the gentleman from Florida (Mr. STEARNS).

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in strong support of the Schiff-Coble-Forbes amendment to H.R. 3199. I also want to thank the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, as well as the gentleman from California (Mr. SCHIFF), for their important work on this amendment.

Mr. Chairman, the edge of my district is only minutes from the Port of Norfolk, one of the busiest international ports on the east coast of the United States. More than $37 billion worth of goods pass through Norfolk every year to travel on to all of the lower 48 States. Our Nation's seaports are the arteries that keep our Nation's economic heart beating.

But, unfortunately, our ports remain an attractive target to terrorists and criminals. The Interagency Commission on Crime and Security in U.S. Seaports concluded in their report that significant criminal activity is taking place at most of the 12 seaports surveyed by the commission. That activity included drug smuggling, alien smuggling, cargo theft, and export crime.

That is why it is important that the House pass the Schiff-Coble-Forbes amendment. This amendment sends a clear message to terrorists and criminals that we will defend our Nation's ports. This amendment says that there is no loophole or shortcoming in the law that you can hide behind that will allow you to harm our Nation.

Many of my constituents are shocked to learn that it is not a crime for a vessel operator to refuse to stop when ordered to do so by the Coast Guard. If you have spent as much time on the waterways of our harbors as I have, you know there are often only seconds that separate a vessel occupied by terrorists and one of our commercial or naval vessels docked at a pier.

You cannot legally evade the police on our Nation's highways, and the same rule should apply to our Nation's waterways. While the Coast Guard has the authority to use whatever force is reasonably necessary to force a vessel to stop or be boarded, refusal to stop by itself is not currently a crime. That changes today with this amendment.

The amendment we are offering today will further protect our seaports by prohibiting the use of dangerous weapons or explosives on a passenger vessel, prohibiting the transportation of dangerous materials and terrorists, and further increasing penalties for bribery affecting port security.

Mr. Chairman, this amendment is vital to protecting our Nation's ports. I want to express my appreciation for this amendment, and I urge my colleagues to support the amendment.

Mr. SCHIFF. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime, Terrorism, and Homeland Security.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to join my colleague from Virginia in his interest in the security of the Port of Hampton Roads.

Mr. Chairman, this amendment is well drafted to target the problem of port security. It closes an apparent oversight in the fact that it is not a Federal crime for a vessel operator to fail to stop when ordered to do so by a Federal law enforcement officer, and makes it clear that that is a crime. The penalties are increased penalties, but not mandatory minimums, so the increases will make sense.

I will not, however, be supporting the amendment because it has several new death penalties in it. It has death penalties, some of which push the envelope on constitutionality, because some can be imposed even if there is no intent to kill; they are broad enough to even include deaths which result from violating the stowaway statute.

Mr. Chairman, death penalties cannot be a deterrent to suicide bombers, so that part of the bill I think would not be helpful in terms of port security. What we do need in port security is significant increases in funding for port security, funding for bus and rail security, funding for first responders. That is the kind of thing that will make us safer. As to the other parts of the bill, I would like to thank the gentleman from California (Mr. SCHIFF) and the other cosponsors for their hard work in focusing us on port security, which is desperately needed.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman of the full committee for yielding me this time, and I thank the gentleman from North Carolina (Mr. COBLE) for his help here.

I rise, obviously, in support of the Coble-Schiff-Forbes amendment and in favor of the underlying bill. This amendment I think is important to update and improve our seaport security, which obviously is very crucial to protecting America. It also includes three provisions from my bill, H.R. 785, the

cargo theft bill; and it is an issue that I have been concerned about for over 2 years, so I am very pleased that it is part of the bill.

Probably the most important thing with this amendment that we are talking about this evening that it accomplishes is that it requires that cargo theft reports be reflected as a separate category in the Uniform Crime Reporting System, or the UCR, the data collection system that is used by the FBI today, currently, no such category exists in the UCR, which results in ambiguous data and an inability to track and monitor trends.

So I am very pleased that the Committee on the Judiciary incorporated that provision and also raised criminal penalties for cargo theft, which is included in this bill.

As it now stands, Mr. Chairman, punishment for cargo theft is a relative slap on the wrist. Throw in the fact that cargo thieves are tough to catch, and what we have here is a low-risk, high-reward crime that easily entices potential criminals. The sentencing enhancement proposed in this amendment will go a long way in making a career in cargo theft less attractive. So the authors of this amendment are to be commended.

Last, this amendment includes a provision requiring the Attorney General to mandate the reporting of cargo thefts and to create a database containing this information, which will provide a valuable source of information and will allow States and local law enforcement officials to coordinate reports of cargo theft. This information could then be used to help fight this theft in everyday law enforcement.

Mr. Chairman, this is a commonsense cargo theft provision, along with efforts to strengthen our seaport security, vitally effective tools in our war on terrorism. I want to thank my colleagues, particularly my good friend, the gentleman from North Carolina (Mr. COBLE), for their help.

I rise today in support of the Coble/Schiff/Forbes amendment, and in favor of the underlying bill.

This amendment proposes to update and improve our seaport security, which is a crucial element to protecting America.

It also includes three critical provisions from my bill H.R. 785 regarding cargo theft, an issue that I have been concerned about for some time now.

Cargo theft is a problem that has plagued our country for some 30 years, but continues unabated today. It is a problem that travels our highways, threatens our interstate commerce and undermines our homeland security. It is a problem that affects our entire country, costs tens of billions of dollars each year, and demands a Federal response.

There is no doubt that stopping cargo theft and smuggling is a national security issue. We know that terrorists can make a lot of money stealing and selling cargo, not to mention the fact that terrorists have a proven record of using trucks to either smuggle weapons of mass destruction or as an instrument of delivery.

Many of the industries involved in delivering cargo: trucking, shipping, and businesses—are genuinely concerned about how security gaps expose cargo to terrorism. Law enforcement has the same concerns. These groups support this legislation.

That's why the three particular provisions in this amendment relating to cargo theft are so important.

Probably the most important thing this amendment accomplishes is that it requires that cargo theft reports be reflected as a separate category in the Uniform Crime Reporting System, or the UCR, the data collection system that is used by the FBI today. Currently, no such category exists in the UCR, resulting in ambiguous data and the inability to track and monitor trends.

I am also pleased that the provision raising criminal penalties for cargo theft is included in this bill. As it now stands, Mr. Chairman, punishment for cargo theft is a relative slap on the wrist. Throw in the fact that cargo thieves are tough to catch, and what we have here is a low-risk, high-reward crime that easily entices potential criminals. The sentencing enhancements proposed in this amendment will go a long way in making a career in cargo theft less attractive.

And last, this amendment includes a provision requiring the Attorney General to mandate the reporting of cargo thefts, and to create a database containing this information. This database will provide a valuable source of information that would allow State and local law enforcement officials to coordinate reports of cargo theft. This information could then be used to help fight this theft in everyday law enforcement.

These common-sense cargo theft provisions, along with the efforts to strengthen our seaport security, will be vital and effective tools in our war on terror.

Mr. Chairman, I thank my colleagues on the Judiciary Committee for including this language, and I urge this House to pass this amendment and the underlying bill.

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

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I want to take this opportunity to thank the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and thank the chairman of the subcommittee. When I offered this originally as stand-alone legislation in connection with another bill as an amendment, the chairman offered to work with me on this further down the line; and every bit true to his word, he has been a great partner to work with on this. I want to thank the gentleman from North Carolina (Chairman COBLE), and I want to thank our esteemed chairman of the full committee for their work on this.

The numbers are quite startling: 141 million ferry and cruise ship passengers, more than 2 billion tons of domestic international freight, and 3 billion tons of oil move through the U.S. seaports. Millions of truck-sized cargo containers are offloaded on to U.S. docks.

As a part of the homeland security authorization bill, the House took some important steps to improve the screening of cargo by expanding the container security initiative and refocusing it based on risk. But the truth is that not every container can be inspected, and we need to use other tools at our disposal to deter and punish those who would use our seaports as a point of attack. I urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. SCHIFF) will be postponed.

It is now in order to consider amendment No. 12 printed in House Report 109–178.

AMENDMENT NO. 12 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. COBLE:

Add at the end the following (and make such technical and conforming changes as may be appropriate):

SECTION 17. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES OR SMOKELESS TOBACCO.

(a) THRESHOLD QUANTITY FOR TREATMENT AS CONTRABAND CIGARETTES.—(1) Section 2341(2) of title 18, United States Code, is amended by striking ''60,000 cigarettes'' and inserting ''10,000 cigarettes''.

(2) Section 2342(b) of that title is amended by striking ''60,000'' and inserting ''10,000''.

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking ''60,000'' and inserting ''10,000''; and

(B) in subsection (b), by striking ''60,000'' and inserting ''10,000''.

(b) CONTRABAND SMOKELESS TOBACCO.—(1) Section 2341 of that title is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) the term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted;

''(7) the term 'contraband smokeless tobacco' means a quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, that are in the possession of any person other than—

''(A) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as manufacturer of tobacco products or as an export warehouse proprietor, a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311, 1555), or an agent of such person;

''(B) a common carrier transporting such smokeless tobacco under a proper bill of lading or freight bill which states the quantity, source, and designation of such smokeless tobacco;

''(C) a person who—

''(i) is licensed or otherwise authorized by the State where such smokeless tobacco is found to engage in the business of selling or distributing tobacco products; and

''(ii) has complied with the accounting, tax, and payment requirements relating to such license or authorization with respect to such smokeless tobacco; or

''(D) an officer, employee, or agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State), having possession of such smokeless tobacco in connection with the performance of official duties;''.

(2) Section 2342(a) of that title is amended by inserting ''or contraband smokeless tobacco'' after ''contraband cigarettes''.

(3) Section 2343(a) of that title is amended by inserting '', or any quantity of smokeless tobacco in excess of 500 single-unit consumer-sized cans or packages,'' before ''in a single transaction''.

(4) Section 2344(c) of that title is amended by inserting ''or contraband smokeless tobacco'' after ''contraband cigarettes''.

(5) Section 2345 of that title is amended by inserting ''or smokeless tobacco'' after ''cigarettes'' each place it appears.

(6) Section 2341 of that title is further amended in paragraph (2), as amended by subsection (a)(1) of this section, in the matter preceding subparagraph (A), by striking ''State cigarette taxes in the State where such cigarettes are found, if the State'' and inserting ''State or local cigarette taxes in the State or locality where such cigarettes are found, if the State or local government'';

(c) RECORDKEEPING, REPORTING, AND INSPECTION.—Section 2343 of that title, as amended by this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''only—'' and inserting ''such information as the Attorney General considers appropriate for purposes of enforcement of this chapter, including—''; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

''(b) Any person, except for a tribal government, who engages in a delivery sale, and who ships, sells, or distributes any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, within a single month, shall submit to the Attorney General, pursuant to rules or regulations prescribed by the Attorney General, a report that sets forth the following:

''(1) The person's beginning and ending inventory of cigarettes and cans or packages of smokeless tobacco (in total) for such month.

''(2) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person received within such month from each other person (itemized by name and address).

''(3) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser.''; and

(4) by adding at the end the following new subsections:

''(d) Any report required to be submitted under this chapter to the Attorney General shall also be submitted to the Secretary of the Treasury and to the attorneys general and the tax administrators of the States from where the shipments, deliveries, or distributions both originated and concluded.

''(e) In this section, the term 'delivery sale' means any sale of cigarettes or smokeless tobacco in interstate commerce to a consumer if—

''(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or by any other means where the consumer is not in the same physical location as the seller when the purchase or offer of sale is made; or

''(2) the cigarettes or smokeless tobacco are delivered by use of the mails, common carrier, private delivery service, or any other means where the consumer is not in the same physical location as the seller when the consumer obtains physical possession of the cigarettes or smokeless tobacco.

''(f) In this section, the term 'interstate commerce' means commerce between a State and any place outside the State, or commerce between points in the same State but through any place outside the State.''.

(d) DISPOSAL OR USE OF FORFEITED CIGARETTES AND SMOKELESS TOBACCO.—Section 2344(c) of that title, as amended by this section, is further amended by striking ''seizure and forfeiture,'' and all that follows and inserting ''seizure and forfeiture, and any cigarettes or smokeless tobacco so seized and forfeited shall be either—

''(1) destroyed and not resold; or

''(2) used for undercover investigative operations for the detection and prosecution of crimes, and then destroyed and not resold.''.

(e) EFFECT ON STATE AND LOCAL LAW.—Section 2345 of that title is amended—

(1) in subsection (a), by striking ''a State to enact and enforce'' and inserting ''a State or local government to enact and enforce its own''; and

(2) in subsection (b), by striking ''of States, through interstate compact or otherwise, to provide for the administration of State'' and inserting ''of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local''.

(f) ENFORCEMENT.—Section 2346 of that title is amended—

(1) by inserting ''(a)'' before ''The Attorney General''; and

(2) by adding at the end the following new subsection:

''(b)(1) A State, through its attorney general, a local government, through its chief law enforcement officer (or a designee thereof), or any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person), except that any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986 may not bring such an action against a State or local government.

''(2) A State, through its attorney general, or a local government, through its chief law enforcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government.

''(3) The remedies under paragraphs (1) and (2) are in addition to any other remedies under Federal, State, local, or other law.

''(4) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(5) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.''.

(g) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 2343 of that title is amended to read as follows:

''§ 2343. Recordkeeping, reporting, and inspection''.

(2) The section heading for section 2345 of such title is amended to read as follows:

''§ 2345. Effect on State and local law''.

(3) The table of sections at the beginning of chapter 114 of that title is amended—

(A) by striking the item relating to section 2343 and inserting the following new item:

''2343. Recordkeeping, reporting, and inspection.''

; and

(B) by striking the item relating to section 2345 and insert the following new item:

''2345. Effect on State and local law.''.

(4)(A) The heading for chapter 114 of that title is amended to read as follows:

''CHAPTER 114—TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO''.

(B) The table of chapters at the beginning of part I of that title is amended by striking the item relating to section 114 and inserting the following new item:

''114. Trafficking in contraband cigarettes and smokeless tobacco ..... 2341''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from North Carolina (Mr. COBLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Mr. COBLE:

In the matter proposed to be inserted as subsection (b) of section 2346 of title 18, United States Code, by subsection (f) after the period at the end of paragraph (1) insert ''No civil action may be commenced under this paragraph against an Indian tribe or an Indian in Indian country (as defined in section 1151).''.

In the same matter in paragraph (2) insert '', or an Indian tribe'' after ''State or local government'' each place it appears.

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

A ''Dear Colleague'' went out today, and I will share it with my colleagues. It says: ''The Coble amendment attacks tribal sovereignty. The Coble amendment reverses two statutes of Federal Indian policy. Oppose the Coble amendment.''

Well, oftentimes in this body, Mr. Chairman, we engage in semantical wars, and I disagree with the choice of these words; but in any event, we have resolved the differences.

Mr. Chairman, I urge the support of the modified amendment before us to strengthen the Contraband Cigarette Trafficking Act, commonly known as CCTA. Why should this provision be included in the PATRIOT Act, one may ask? Criminal organizations, including terrorist groups, are using contraband cigarettes to fund their organizations. The scam is relatively easy and extremely lucrative. The criminals purchase cigarettes in a State with a low excise tax and then transport them to a high-tax State to sell. Many times they even counterfeit the tax stamps to ensure that the cigarettes appear legitimate. Criminals can make as much as $30 per carton for relatively little effort and risk.

A scheme that was uncovered illustrates the magnitude of this problem. In 2003, a group of Hezbollah operatives were convicted of buying cigarettes in my home State of North Carolina and selling them in Michigan. They were using the proceeds of their operation to fund the activities of Hezbollah. Law enforcement authorities across the Nation believe these types of smuggling operations are a fast-growing problem.

Mr. Chairman, my amendment would enhance the provisions of the CCTA to enable law enforcement to prosecute more of these schemes. First, the amendment would lower the threshold requirements for a violation of the CCTA from 60,000 to 10,000 cigarettes. It would apply the CCTA to smokeless tobacco as well, and impose reporting requirements on those engaging in delivery sales of more than 10,000 cigarettes, or 500 cans of packages of smokeless tobacco within a period of 1 month. Finally, it would authorize State and local governments and certain persons holding Federal tobacco permits to bring causes of action against violators of the CCTA.

We must do everything we can to choke off this source of funding for criminal organizations which, in turn, subsidize terrorist organizations; and I urge adoption of the amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from North Carolina for yielding.

Let me say that this amendment has a direct impact on the war against terrorism. When he was testifying on the reauthorization of the PATRIOT Act, Deputy Attorney General James Kolbe testified that the first material support for a terrorism case to be tried before a jury involved a group of Hezbollah operatives who had been operating a massive interstate cigarette smuggling scheme. He also testified that since that prosecution, material support charges have been used against other cigarette smuggling plots in Detroit.

From this information, it is obvious that the terrorists are using cigarette smuggling in order to help finance their activities, and that is why the amendment offered by the gentleman from North Carolina is a good amendment. It fits in with the antiterrorism tools that the PATRIOT Act reauthorizes, and I would urge its support.

I would also say that as a result of the modification that the gentleman from North Carolina has proposed, there is no longer a question of tribal sovereignty. That has been taken care of in the modification. So anybody who has read the ''Dear Colleague'' letter that was sent out earlier today, that is now out of date, and it is about as accurate as last year's calendar.

Mr. COBLE. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

I would point out that the comments of the gentleman from North Carolina and the chairman of the committee have outlined the fact that this has been worked out with all of the parties involved, and we have no objection.

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

Mr. COBLE. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I want to again thank and recognize the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from North Carolina (Mr. COBLE), and the gentleman from Virginia (Mr. SCOTT) for bringing this amendment forward. I would just like to reiterate and rise in support of this amendment.

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As the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, this amendment is about stopping terrorists. And as we are deliberating on this bill as a whole and the purpose being to do everything we can to stop terrorism, this amendment speaks right to the point.

As the gentleman from North Carolina (Mr. COBLE) indicated, there are real cases that have been uncovered and have been tried in court in which known terrorist organizations such as Hezbollah have been engaged in the illegal trafficking of cigarettes from low tax states into high tax states using that money to fund their terrorist activities. That is what this amendment does. And as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, all the modifications make sure that there is no impact on tribal sovereignty.

I urge my colleagues to support this amendment.

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I will just say that I look forward to working with the chairman of the full committee and the ranking member, as well as the ranking member of the subcommittee to resolve any other issues that may remain in conference.

Mr. CONYERS. Mr. Chairman, I am glad that Mr. COBLE offered language to mitigate concerns over his amendment's impact on tribal sovereignty. As initially drafted, the amendment by Mr. COBLE could have had the unintended effect of targeting tribal governments who are legitimately involved in the retailing of tobacco products. With the help of Mr. COLE and other Members, Mr. COBLE has modified his amendment and has incorporated language that will go a long way to protecting tribal governments and tribal sovereignty. Specifically, a provision stipulating that enforcement against tribes or in Indian country, as defined in Title 18 Section 1151, will not be authorized by the pending bill has been incorporated.

Support for tribal sovereignty is a bi-partisan issue and collectively the Congress will continue to defend that fundamental principal of law. I realize that there are other sections that may need to be fixed as well because there has not been much time to refine the entirety of the Coble provision and that further refinements may be in order once we get to Conference with the Senate on this provision. I understand that the rule of law of enforcement in Indian country will fall to tribal governments and the Federal government will be protected through further amendment and I pledge to work in conference to ensure the rights of tribal governments are fully protected.

Mr. KILDEE. Mr. Chairman, I rise to address the amendment offered by the gentlemen from North Carolina that relates to the Federal Contraband Cigarette Trafficking Act. There is evidence that profits from the illegal sales of tobacco products have been funneled to groups whose interests are inimical to the safety of our country and its people and the Congress should do all we can to ensure that source of revenue is cut off.

However, Indian tribal governments that are legally involved in the retailing of tobacco products are clearly not the types of entities we are targeting with this provision.

As initially drafted, the Coble Amendment would have had the unintended effect of targeting tribal governments who are legitimately involved in the retailing of tobacco products.

With the great help of the gentlemen from Oklahoma (Mr. COLE) I understand an amendment has been incorporated that will go a long way to protecting tribal governments and tribal sovereignty.

I also understand, however, that we have not had much time to refine the entirety of the Coble Amendment and that further refinements need to be made. It is my understanding that the gentlemen from North Carolina has agreed to take up these outstanding issues in conference.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 109–178.

AMENDMENT NO. 13 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. CARTER: Add at the end the following:

TITLE ____—TERRORIST DEATH PENALTY ENHANCEMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Terrorist Death Penalty Enhancement Act of 2005''.

Subtitle A—Terrorist Penalties Enhancement Act

SEC. __11. TERRORIST OFFENSE RESULTING IN DEATH.

(a) NEW OFFENSE.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Terrorist offenses resulting in death

''(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

''(b) As used in this section, the term 'terrorist offense' means—

''(1) a Federal felony offense that is—

''(A) a Federal crime of terrorism as defined in section 2332b(g) except to the extent such crime is an offense under section 1363; or

''(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

''(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

''2339E. Terrorist offenses resulting in death.''.

SEC. __12. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by section __11 of this subtitle, is further amended by adding at the end the following:

''§ 2339F. Denial of Federal benefits to terrorists

''(a) An individual or corporation who is convicted of a terrorist offense (as defined in section 2339E) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) As used in this section, the term 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act, and also includes any assistance or benefit described in section 115(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, with the same limitations and to the same extent as provided in section 115 of that Act with respect to denials of benefits and assistance to which that section applies.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, as amended by section __11 of this subtitle, is further amended by adding at the end the following new item:

''2339E. Denial of federal benefits to terrorists.''.

SEC. __13. DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.

Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103–322), is amended, as of the time of its enactment, by adding at the end the following:

''(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93–366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term 'especially heinous, cruel, or depraved', as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language 'in that it involved torture or serious physical abuse to the victim', and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.''.

SEC. __14. ENSURING DEATH PENALTY FOR TERRORIST OFFENSES WHICH CREATE GRAVE RISK OF DEATH.

(a) ADDITION OF TERRORISM TO DEATH PENALTY OFFENSES NOT RESULTING IN DEATH.—Section 3591(a)(1) of title 18, United States Code, is amended by inserting '', section 2339E,'' after ''section 794''.

(b) MODIFICATION OF AGGRAVATING FACTORS FOR TERRORISM OFFENSES.—Section 3592(b) of title 18, United States Code, is amended—

(1) in the heading, by inserting '', terrorism,'' after ''espionage''; and

(2) by inserting immediately after paragraph (3) the following:

''(4) SUBSTANTIAL PLANNING.—The defendant committed the offense after substantial planning.''.

SEC. __15. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583(j) of title 18, United States Code, is amended in subsection (j), by striking '', the commission'' and all that follows through ''person,'' .

Subtitle B—Prevention of Terrorist Access to Destructive Weapons Act

SEC. __21. DEATH PENALTY FOR CERTAIN TERROR RELATED CRIMES.

(a) PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.—Section 832(c) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(c) ATOMIC WEAPONS.—Section 222b.of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting ''death or'' before ''imprisonment for life''.

(d) RADIOLOGICAL DISPERSAL DEVICES.—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

(e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

Subtitle C—Federal Death Penalty Procedures

SEC. __31. MODIFICATION OF DEATH PENALTY PROVISIONS.

(a) ELIMINATION OF PROCEDURES APPLICABLE ONLY TO CERTAIN CONTROLLED SUBSTANCES ACT CASES.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) in subsection (e)(2), by striking ''(1)(b)'' and inserting (1)(B);

(2) by striking subsection (g) and all that follows through subsection (p);

(3) by striking subsection (r); and

(4) in subsection (q), by striking paragraphs (1) through (3).

(b) MODIFICATION OF MITIGATING FACTORS.—Section 3592(a)(4) of title 18, United States Code, is amended—

(1) by striking ''Another'' and inserting ''The Government could have, but has not, sought the death penalty against another''; and

(2) by striking '', will not be punished by death''.

(c) MODIFICATION OF AGGRAVATING FACTORS FOR OFFENSES RESULTING IN DEATH.—Section 3592(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''or by creating the expectation of payment,'' after ''or promise of payment,'';

(2) in paragraph (1), by inserting ''section 2339E (terrorist offenses resulting in death),'' after ''destruction),'';

(3) by inserting immediately after paragraph (16) the following:

''(17) OBSTRUCTION OF JUSTICE.—The defendant engaged in any conduct resulting in the death of another person in order to obstruct investigation or prosecution of any offense.''.

(d) ADDITIONAL GROUND FOR IMPANELING NEW JURY.—Section 3593(b)(2) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by inserting after subparagraph (D) the following:

''(E) a new penalty hearing is necessary due to the inability of the jury to reach a unanimous penalty verdict as required by section 3593(e); or''.

(e) JURIES OF LESS THAN 12 MEMBERS.—Subsection (b) of section 3593 of title 18, United States Code, is amended by striking ''unless'' and all that follows through the

end of the subsection and inserting ''unless the court finds good cause, or the parties stipulate, with the approval of the court, a lesser number.''.

(f) IMPANELING OF NEW JURY WHEN UNANIMOUS RECOMMENDATION CANNOT BE REACHED.—Section 3594 of title 18, United States Code, is amended by inserting after the first sentence the following: ''If the jury is unable to reach any unanimous recommendation under section 3593(e), the court, upon motion by the Government, may impanel a jury under section 3593(b)(2)(E) for a new sentencing hearing.''.

(g) PEREMPTORY CHALLENGES.—Rule 24(c) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (1), by striking ''6'' and inserting ''9''; and

(2) in paragraph (4), by adding at the end the following:

''(C) SEVEN, EIGHT OR NINE ALTERNATES.—Four additional peremptory challenges are permitted when seven, eight, or nine alternates are impaneled.''.

Strike section 12.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. CARTER) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment, the Terrorist Death Penalty Enhancement Act. This measure is a much needed reform for our Federal criminal statutes to ensure that the death penalty is available to deter and punish the most heinous crime in our country. We must remain vigilant and united in sending out one clear message to the terrorists; if you attack our country or threaten our national security and we apprehend you, we will seek the ultimate penalty, the death penalty, against you. This amendment makes needed reforms to ensure that such punishment is carried out and is applied fairly, and is applied swiftly when the facts justify the punishment.

Many of these same provisions were overwhelmingly passed by this House last year as part of the 9/11 Recommendations Implementation Act, but removed during conference with the Senate.

As a former State district judge for over 20 years I have presided over five capital murder cases, three of which resulted in the death penalty. I have a unique perspective on the criminal justice system and I understand the importance of safety and the need for America to be tough on its criminals. We must protect our neighborhoods from the threat of violent crimes which, unfortunately, in today's world, includes the threat of terrorist attacks. Congress must act to protect U.S. citizens from such attacks and to bring justice to those who threaten our freedom.

It is unimaginable to think that a convicted terrorist responsible for American deaths could serve his sentence and be released back on the American streets free to act as he chooses. My straightforward legislation will make any terrorist who kills eligible for the Federal death penalty. This legislation will also deny these same terrorists any Federal benefits they otherwise may be eligible to receive. In my experience as a judge, I have witnessed the death penalty used as an important tool in deterring crime and saving lives. I believe it is also an instrument that can deter acts of terrorism and serves as a tool for prosecutors in negotiating sentences.

First, my amendment adds a new criminal provision to impose the death penalty to any terrorist who, while committing a terrorist offense, engages in conduct that results in the death of an individual.

Second, my amendment provides procedures for the death penalty prosecution of air piracy crimes committed before the 1994 Federal Death Penalty Act.

Third, my amendment treats terrorist offenses similar to treason and espionage cases so that the government need only prove that such offense created a grave risk of death and did not actually result in the death of a person. For example, consider a terrorist attack as we saw today in London, where a terrorist is carrying a deadly weapon, could be a radiological weapon or device, and prior to the total detonation of that bomb killing innocent civilians, he is caught by the authorities and they prevent that attack. Under this bill he could face the ultimate penalty of death.

In addition to these commonsense reforms, my amendment also authorizes the death penalty for killing that results from participation in nuclear weapons and weapons of mass destruction threats against the United States, missile systems to destroy aircraft, atomic weapons under the Atomic Energy Act.

Now, with the authorization of these new death penalties I have added some commonsense clarification to the Federal death penalty which is supported by the Justice Department. Let me highlight three of these.

First, my amendment adds a new statutory aggravating factor for obstruction of justice and in particular the killing of any person which is aimed at obstructing any investigation or prosecution.

Second, my amendment clarifies that juries must reach a unanimous sentencing verdict one way or the other for life imprisonment or for death. If the jury does not reach a unanimous sentencing verdict then the government may seek a new sentencing hearing.

Third, my amendment authorizes a judge to proceed with a death penalty case with less than 12 jurors if the excusal of the 12th juror is justified by good cause. There is simply no reason to make witnesses testify, juries sit again after a long and complex trial when a juror for some reason becomes sick or for some reason is unable to serve.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to this amendment. It provides for the enactment of extremely controversial provisions which we have had inadequate time to consider. We have not had the opportunity to hear critical testimony on controversial aspects of this bill such as the provision to apply the death penalty to offenses where no death results, the change in alternative jury rules and peremptory challenge rules, another change of the number of jurors needed to impose the death penalty and other changes which could constitute constitutional problems.

Another problem with the bill, it provides for expansion of the Federal death penalty, both for crimes that the supporters of the death penalty might think warrant the death penalty, as well as crimes that most people would not expect to be associated with the most severe of penalties.

This bill does not limit crimes through the death penalty eligibility to the heinous crimes or those who have traditionally been considered severe enough to require either a death penalty or even life without parole.

The bill is so broad that it includes offenses such as those related to protection of computers, property offenses and financial or other material support provisions. Because the bill makes attempts and conspiracies to commit such crimes death penalty eligible, it covers those who may have only had a minor role in the offense. If a death results, even if it was not the specific intended result, anyone who is involved in committing or attempting to commit or conspiring to commit the covert offense would be eligible for the death penalty.

The provisions of this bill create a death penalty liability tantamount to a Federal felony murder rule, and it presents constitutional issues as well as questions of the appropriateness of the death penalty in certain cases.

The provisions of this bill will be duplicative of state jurisdiction laws in many instances and actually conflicting with others. One such conflict would be where a State has chosen not to authorize capital punishment and the Federal Government pursues the death penalty against that State's wishes.

Another concern we always have to consider is expansion of the death penalty when we know that there is a frequent error rate in applying the death penalty. One study showed that 68 percent of the death penalty decisions by the trial court were eventually overturned.

Mr. Chairman, there is another conflict or difficulty that will arise in the efforts to further international cooperation in pursuing suspected terrorists. We are already experiencing difficulties in securing the cooperation of

the rest of the civilized world in bringing terrorists to justice due to our existing proliferation of death penalty offenses when other countries will not extradite criminals to the United States if they will be subject to the death penalty. When we add these difficulties to the other controversial issues as to whether someone who supports an organization's social or humanitarian programs knows that it has been designated as a terrorist organization it can only exacerbate the difficulty and further undermine United States efforts.

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

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind my colleague from Virginia that a legislative hearing was held before the subcommittee on June 30, 2005 on which the Justice Department testified in favor of this bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentleman for yielding time.

Mr. Chairman, I rise in support of the gentleman's amendment. The gentleman from Virginia just stated that this amendment is controversial. I am afraid I disagree. I do not believe it is controversial in the least, and I think we will see that when the votes are taken.

Mr. Chairman, we must do everything we can to stop terrorists, and that starts with ensuring that all terrorist acts are punished swiftly and severely. This amendment sends a clear message that we take terrorism seriously, that we understand that terrorist acts are not just crimes. They are acts of war, war against our way of life.

We must not waver in our message to those who wish to threaten the values we hold dear. If a terrorist strikes on our soil we owe it to the victims of an attack to punish those responsible with the heaviest possible penalty, the death penalty. To do less would be a disservice to those who have lost their lives and would send a signal of weakness to those who are willing to use any means necessary to seek our destruction.

The gentleman from Texas (Mr. CARTER) described this amendment very well so I will not run through it in detail. But let me say that this amendment treats acts of terrorism just like treason or espionage because that is what these acts truly are, not only crimes against individuals but crimes against our Nation. Anyone who is thwarted in their attempt to carry out an attack should not be spared the heaviest penalty just because they were caught before they could carry out their heinous intentions.

I was proud to work with the gentleman from Texas (Mr. CARTER) on this issue. I commend him for carrying this amendment forward. It is good work that the gentleman is doing.

I urge my colleagues to support this amendment. It is very important that we send a strong signal to the world that we take these acts seriously, and serious acts deserve serious consequences.

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

Mr. Chairman, the sponsor of the amendment mentioned that hearing we had. I would remind him that the hearing was a hearing on habeas corpus, also the same hearing we heard the issue of the question of whether the death penalty deters murder or other crimes, and this bill. We were given one witness to cover all of that. Our witness covered habeas corpus. We did not have the opportunity to invite a witness to discuss this bill and the policy implications of death penalty where no death occurs and alternate jury rules, peremptory challenges, the number of jurors needed to impose a death penalty, all of these death penalties involved.

So to suggest that that was a fair hearing, I think, does not do justice to actually what happened on that day and the consideration of this bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the committee.

Ms. ZOE LOFGREN of California. Mr. Chairman, many of us, when we think about terrorism, feel exactly the way the proponent of the amendment does, that we want to exert maximum force against the offender. Those who would kill deserve to pay the ultimate price.

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On the other hand, I am aware that there are people in our country and in our Congress who for religious reasons do not believe in the death penalty. The Pope did not believe in the death penalty and, obviously, he was not for terrorism any more than our religious colleagues who have that objection are for terrorism. So I think it is important to state that.

I also want to say I am a member of the Committee on the Judiciary. I have been for 10 years. If there was a hearing in the subcommittee that I am not a member of all well and good, but I think this amendment poses some new things that the full committee would benefit from going through. The reduced number of jurors that is being proposed, the procedural changes that are quite new, I think, deserve the attention of the full committees. It is possible that this measure could run into constitutional problems. And I think we would be better served to sort through that in a thorough way than to expose these elements of the PATRIOT Act to court challenge.

Finally, I would just say as I said before, even though we seek, understandably, retribution against those who would do these horrible crimes, I am just skeptical that imposing the death penalty is going to deter the suicide bombers. Really, what we need to do is to spend the time and the money to take steps to protect ourselves in a more thorough way than we have done since 9/11.

As a member of the Committee on Homeland Security, I am acutely aware, and we are on both sides of the aisle, I can tell you of the shortfallings that we have in our protection against terrorism.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that the President of the United States on two occasions has stated that we need to give our law enforcement authorities all the tools necessary to fight terrorism, and he agreed that he strongly supported the signal of a death penalty to deter this criminal acts, these criminal acts that are imposed upon our society.

When I decided to run for Congress, it was in response to the 9/11 attack after serving for a long time on the judiciary. I am sponsoring this legislation today because in my experience the death penalty does deter crimes, and it is my hope and my prayer that this tool given to our prosecutors and given to our courts and to our engineers will enable us to better protect freedom and protect our citizens from this disaster that lurks in the shadows along with these terrorists that attack our Nation.

I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for allowing me to offer this amendment and for all the great work that he has done on this reenactment of the PATRIOT Act.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

As the gentleman said, we had a little piece of a hearing, but it was not much; and we did not have the opportunity to discuss this bill. It was not marked up in subcommittee or the committee. The committee elected not to make it part of the bill, and I would hope that we would make the same decision and defer this until it can be appropriately considered. I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 109–178.

AMENDMENT NO. 14 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. HART:
Add at the end the following:

TITLE ___COMBATING TERRORISM FINANCING

SECTION __01. SHORT TITLE.

This title may be cited as the ''Combating Terrorism Financing Act of 2005''.

SEC. __02. INCREASED PENALTIES FOR TERRORISM FINANCING.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by deleting ''$10,000'' and inserting ''$50,000''.

(2) in subsection (b), by deleting ''ten years'' and inserting ''twenty years''.

SEC. __03. TERRORISM-RELATED SPECIFIED ACTIVITIES FOR MONEY LAUNDERING.

(a) AMENDMENTS TO RICO.—Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (B), by inserting ''section 1960 (relating to illegal money transmitters),'' before ''sections 2251''; and

(2) in subparagraph (F), by inserting ''section 274A (relating to unlawful employment of aliens),'' before ''section 277''.

(b) AMENDMENTS TO SECTION 1956(c)(7).—Section 1956(c)(7)(D) of title 18, United States Code, is amended by—

(1) inserting '', or section 2339C (relating to financing of terrorism)'' before ''of this title''; and

(2) striking ''or any felony violation of the Foreign Corrupt Practices Act'' and inserting ''any felony violation of the Foreign Corrupt Practices Act, or any violation of section 208 of the Social Security Act (relating to obtaining funds through misuse of a social security number)''.

(c) CONFORMING AMENDMENTS TO SECTIONS 1956(e) AND 1957(e).—

(1) Section 1956(e) of title 18, United States Code, is amended to read as follows:

''(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.''.

(2) Section 1957(e) of title 18, United States Code, is amended to read as follows:

''(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.''.

SEC. __04. ASSETS OF PERSONS COMMITTING TERRORIST ACTS AGAINST FOREIGN COUNTRIES OR INTERNATIONAL ORGANIZATIONS.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by inserting the following after clause (iii):

''(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government. Where the property sought for forfeiture is located beyond the territorial boundaries of the United States, an act in furtherance of such planning or perpetration must have occurred within the jurisdiction of the United States.''.

SEC. __05. MONEY LAUNDERING THROUGH HAWALAS.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(j) (1) For the purposes of subsections (a)(1) and (a)(2), a transaction, transportation, transmission, or transfer of funds shall be considered to be one involving the proceeds of specified unlawful activity, if the transaction, transportation, transmission, or transfer is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity.

''(2) As used in this section, a 'dependent transaction' is one that completes or complements another transaction or one that would not have occurred but for another transaction.''.

SEC. __06. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE USA PATRIOT ACT.

(a) TECHNICAL CORRECTIONS.—

(1) Section 322 of Public Law 107–56 is amended by striking ''title 18'' and inserting ''title 28''.

(2) Section 5332(a)(1) of title 31, United States Code, is amended by striking ''article of luggage'' and inserting ''article of luggage or mail''.

(3) Section 1956(b)(3) and (4) of title 18, United States Code, are amended by striking ''described in paragraph (2)'' each time it appears; and

(4) Section 981(k) of title 18, United States Code, is amended by striking ''foreign bank'' each time it appears and inserting ''foreign bank or financial institution''.

(b) CODIFICATION OF SECTION 316 OF THE USA PATRIOT ACT.—

(1) Chapter 46 of title 18, United States Code, is amended—

(A) by inserting at the end the following:

''§ 987. Anti-terrorist forfeiture protection

''(a) RIGHT TO CONTEST.—An owner of property that is confiscated under this chapter or any other provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

''(1) the property is not subject to confiscation under such provision of law; or

''(2) the innocent owner provisions of section 983(d) apply to the case.

''(b) EVIDENCE.—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

''(c) CLARIFICATIONS.—

''(1) PROTECTION OF RIGHTS.—The exclusion of certain provisions of Federal law from the definition of the term 'civil forfeiture statute' in section 983(i) shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

''(A) subsection (a) of this section;

''(B) the Constitution; or

''(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) SAVINGS CLAUSE.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 or any other provision of law.''; and

(B) in the chapter analysis, by inserting at the end the following:

''987. Anti-terrorist forfeiture protection.''.

(2) Subsections (a), (b), and (c) of section 316 of Public Law 107–56 are repealed.

(c) CONFORMING AMENDMENTS CONCERNING CONSPIRACIES.—

(1) Section 33(a) of title 18, United States Code is amended by inserting ''or conspires'' before ''to do any of the aforesaid acts''.

(2) Section 1366(a) of title 18, United States Code, is amended—

(A) by striking ''attempts'' each time it appears and inserting ''attempts or conspires''; and

(B) by inserting '', or if the object of the conspiracy had been achieved,'' after ''the attempted offense had been completed''.

SEC. __07. TECHNICAL CORRECTIONS TO FINANCING OF TERRORISM STATUTE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting ''(''' after ''2339C (relating to financing of terrorism''.

SEC. __08. CROSS REFERENCE CORRECTION.

Section 5318(n)(4)(A) of title 31, United States Code, is amended by striking ''National Intelligence Reform Act of 2004'' and inserting ''Intelligence Reform and Terrorism Prevention Act of 2004''.

SEC. __09. AMENDMENT TO AMENDATORY LANGUAGE.

Section 6604 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended [,effective on the date of the enactment of that Act]—

(1) by striking ''Section 2339c(c)(2)'' and inserting ''Section 2339C(c)(2)''; and

(2) by striking ''Section 2339c(e)'' and inserting ''Section 2339C(e)''.

SEC. __10. DESIGNATION OF ADDITIONAL MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting '', or section 2339D (relating to receiving military-type training from a foreign terrorist organization)'' after ''section 2339A or 2339B (relating to providing material support to terrorists)''; and

(2) by striking ''or'' before ''section 2339A or 2339B''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment. Money is a key element of terrorist organizations. If we are to prevent future attacks and continue to dismantle terrorist organizations, we must cut off their access to funding.

In order to thwart terrorists financing, President Bush in September of 2001 signed an executive order freezing the assets of terrorist organizations and their supporters and authorizing the Secretaries of Treasury and State to identify, designate, and freeze the U.S.-based assets that financially facilitate terrorism.

Since then, an unprecedented international effort to freeze terrorism financing has ensued. This has truly been an international effort with 173 nations implementing orders to freeze terrorist assets with more than 100 countries passing new legislation to fight terrorism financing, and 84 countries establishing the Financial Intelligence United to share information helping to combat terrorism.

Terrorist organizations need money, not just to carry out attacks. They especially need funding to continue their operations such as recruiting and training new terrorists and simply supporting their current organizations. One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations themselves, terrorism funding does not come from a single source. Terrorism networks are funded through rogue state sponsorship, corrupt charities, and illegitimate businesses fronting as legitimate businesses and using that money for terrorism, also through exploitation of our legitimate markets and financial networks.

Many terrorist organizations use a network known as hawalas to exchange money and finance terrorist activities. These hawalas are an informal exchange in which payments are delivered without money actually being moved. In addition, terrorists engage in criminal activities such as extortion, smuggling and trafficking, credit card and identity fraud, and the narcotics trade to fund their murderous activities.

After September 11, our Federal Government acted aggressively through domestic and international efforts to halt such activities to prevent terrorism financing. Unfortunately, we have learned that these are not enough. My amendment would address some of the loopholes.

One, we increase the penalty for terrorism financing. Under current law, violations only carry a $10,000 fine and a 10-year sentence. My amendment would increase the fine to $50,000 and the sentence to 20 years.

We also update money laundering statutes. They must keep pace to help prevent financing of terrorist activities. As Chancellor Gordon Brown stated last week, prevention of money laundering is the key element of stopping the financing of terrorist groups of the type suspected of planning and carrying out the London bombings.

First, my amendment will add a predicate offense to the money-laundering statutes, such as operating illegal money laundering and transmitting businesses, misuse of Social Security numbers, military-style training of individuals, and a new terrorism financing offense.

My amendment also clarifies the law so that a combination of transactions or parallel transactions can trigger money-laundering statutes.

Mr. Chairman, our PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating the act of terrorism against the United States. My amendment adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or an international organization acting within the jurisdiction of the United States. This amendment builds on our current laws to address some of the shortfalls in our laws that we have learned about from our law enforcement since 9/11. I encourage my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. HART. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment and thank the gentlewoman from Pennsylvania (Ms. HART) for yielding to me and for introducing this amendment.

Let me say that this amendment makes important improvements in the financial provisions of the PATRIOT Act with regard to those who try to prevent terrorists from financing their operations. First of all, I think that trying to disrupt the terrorism operation is a legitimate issue to add to the list of predicate offenses covered under the RICO statute.

I am particularly pleased that there are some changes in the law to attempt to get at the informal money-changing operation called hawalas when those hawalas are used to finance terrorist organizations, and more and more money seems to be transferred through the hawalas system; and I am awfully afraid that that is not being done for legitimate purposes, but for the fact that the regular banking operations are under increasing scrutiny when money transfers take place.

So I would strongly support the gentlewoman's amendment, and I would urge the Committee to adopt it. I thank the gentlewoman for yielding to me.

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

Mr. Chairman, this amendment emphasizes a point that we are trying to do this on the floor without a mark-up, and it may have many unintended consequences. Despite the name of the title, the title of the amendment is ''Combating Terrorism Financing Act of 2005,'' but if you read the provisions, it is not limited to terrorism financing but for all violations of economic sanctions imposed under the International Emergency Economic Powers Act. I mean, a senior citizen who has traveled to Cuba on a bicycle excursion or a clergy attempting to send humanitarian services or supplies to Cuba could get caught up in this.

It talks about misuse of Social Security numbers so if somebody misuses a Social Security number to get a job, having nothing to do with terrorism, just is cheating to get a job, they could get caught up in this. It raises questions about sending money to your relatives back home. All of this is implicated in this amendment. It obviously covers terrorism, but we do not know what else it covers. People who get caught up in this are looking at 20-year sentences.

Money-laundering statutes are already very broadly written, and this just broadens it even further. I would hope we would defeat the amendment so we could have some time to make sure it could be limited to terrorism financing and just not every violation of the International Emergency Economic Powers Act and other kinds of money-laundering statutes.

We also have had not an opportunity to hear from people that may be involved in this, organizations helping immigrant populations, banks or other agencies that may have an interest in this who we just have not had time to hear from to know what their reaction would be. So I would hope that we would defeat the amendment so we could have more time to consider it.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, having just seen this amendment for the first time today, there are questions that are raised. I understand what the intent is, and perhaps if this passes we can clarify this in a conference committee; but I wonder about the liabilities of the banking industry that acts innocently to help immigrants transmit funds home.

The banks in California have been encouraged to regularize the remittance program. We talk sometimes about illegal immigration, and that is not anything that any of us approve of; but it is not the same as terrorism, and it is also not the same as those immigrants. It is also a financial services industry.

I do wish we could have heard from the financial services industry on this point because certainly it deserves some clarification. Maybe it does not do what has been suggested. We have had some communications from those who are concerned it does. But I do want to raise that on behalf of the California banking industry that has really stepped up to avoid the fraud and crime that has occurred with remittances before they did.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time.

Just to answer a couple of points: what we do in the amendment is to help to provide opportunities for a series of predicate offenses. So what you get is an opportunity to follow through a number of transactions to show that there is money laundering. And we have added a couple of new offenses, but there can be a mixture of some legal and illegal transactions to do that.

So if the concern is that a grandmother transmitting money to her family or the other way around, it is not going to trigger a problem under this amendment. It is very clear that there would have to be a series of transactions that are suspect in order for this law to be triggered; and, obviously, there has to be some suspicion of financing terrorism before law enforcement would move forward with that kind of prosecution.

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Mr. SCOTT of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, here is my question. Section 208 of the Social Security Act apparently states it is illegal to use a false Social Security number for activities to obtain employment.

If I am a 14-year-old kid and I go out and make up a Social Security number so I can get a job and pretend I am 18, and I get money for it, have I violated section 208? And if so, if I deal with a bank, is the bank falling afoul of this terrorism statute?

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume to note that these are the kinds of questions which cause me to hope we would defeat the amendment.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time, and I just want to thank the chairman of the Committee on the Judiciary, who supports the amendment, and also the chairman of the Committee on Financial Services, who certainly would have been concerned if the concern of the gentlewoman from California were a legitimate one regarding our language.

It is very clear that there would have to be a series of transactions. That series of transactions would have to lead law enforcement to believe that there is a financing of terrorism.

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment.

Combating terror finance is a nebulous, often difficult aspect of our fight against terrorism. But strength in this area is critical to our overall success in detecting, tracking and stopping terrorist activity.

We've made remarkable progress in this area in the last 4 years in developing and sharpening our tools for combating terror finance. But we still have more work to do.

That's why I created with a number of my colleagues the bipartisan Congressional Anti-Terrorist Financing Task Force, to bring focus on the multitude of policies, agencies and jurisdictions which have a bearing on our effort to combat terror finance.

Like the task force, this amendment offered by my colleague from Pennsylvania is representative of the continuing need for improvement.

It strengthens our ability to detect and disrupt the financial lifelines upon which terrorists rely. It sets out severe penalties for terror financiers and clarifies the authority of law enforcement to investigate and prosecute illicit financial transactions.

Importantly, this measure acknowledges the vulnerability of informal value transfer systems such as hawalas to terrorist finance and money laundering.

This amendment helps the fight against terrorist finance. I encourage my colleagues to support the amendment and the underlying bill.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. HART. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART) will be postponed.

It is now in order to consider amendment No. 15 printed in House Report 109–178.

AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

Add at the end the following:

SEC. 17. FORFEITURE.

Section 981(a)(1)(G) of title 18, United States Code, is amended by adding at the end the following:

''(iv) notwithstanding any other provision of law, shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist organization has been adjudged liable.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume and would just note that I am attempting to bring it up at this time and discuss it, at the same time I am looking to work with my chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), so that we can move this forward.

I might also add that the amendment is now Jackson-Lee-Poe.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Could the chairman explain which amendment is being considered at this point?

The Acting CHAIRMAN. Amendment No. 15.

Mr. SCOTT of Virginia. Could the Reading Clerk read the amendment?

The Acting CHAIRMAN. Is the gentlewoman from Texas going to ask unanimous consent to modify the amendment?

Ms. JACKSON-LEE of Texas. Yes, I am, Mr. Chairman.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that the amendment to be brought up be as modified.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

In lieu of the matter proposed by the amendment, add at the end of the bill the following:

SEC. ___. SENSE OF CONGRESS.

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

The Acting CHAIRMAN. Is there objection to the modification offered by the gentlewoman from Texas?

Mr. SENSENBRENNER. Reserving the right to object, let me say that I will not object, because I think this modification is a significant improvement to the original amendment.

I realize that this amendment must be further honed, and I pledge to the gentlewoman from Texas my cooperation to attempt to do that in conference.

Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume; and, as I indicated, this amendment is offered by myself and my colleague, the gentleman from Texas (Mr. POE). I thank the distinguished gentleman from Wisconsin for his cooperation in working to have this amendment be included in the final legislation as it is a sense of Congress amendment that I think makes a very important statement.

The proposal relates to the civil forfeiture provision of 18 U.S.C. 981, and would add a section that would allow civil plaintiffs to attach judgments to collect compensatory damages for which a terrorist organization has been

adjudged liable and from the pool of assets that have been forfeited under section 981.

This is distinctive, Mr. Chairman, because this pertains to circumstances of terrorism but not necessarily in circumstances when we are at war.

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

As we look at H.R. 3199, the PATRIOT Act, it misses the opportunity to in fact allow victims to satisfy judgments. That is the key. For example, the Sobero case, where the gentleman from Riverside, California, was beheaded by Abu Sayyaf, leaving his children fatherless. The administration responded to this incident by sending a thousand Special Forces officers to track down the perpetrators, yet the family of this decreased could not claim any compensation for the tragedy that occurred.

The same thing occurred with the Iran hostages, which many of us are familiar with, but are my colleagues aware of the situation with our American servicemen who were harmed in the Libyan-sponsored bombing of the La Belle disco in Germany? They were obstructed from being able to enforce judgments that they received against the terrorist-sponsored attack and the attack that was sponsored by Libya.

In addition, a group of American prisoners tortured in Iraq during the Persian Gulf War were barred from collecting their judgment from the Iraqi government.

I do believe in conference we will have the opportunity to vet this and to work with all the parties concerned to finally bring some relief on this issue. Many Members have attempted to bring about relief in special claims for their particular individual constituents in their particular jurisdictions. Fortunately, in the opportunity we have today, by including this sense of Congress in the PATRIOT Act we will finally get both our debate and we will get action.

Mr. Chairman, I bring attention as well to the World Trade Center bombing victims who were barred from obtaining judgments against the Iraqi government. In their claim against the Iraqi Government, the victims were awarded $64 million against Iraq in connection with the September 20, 2001, attack. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment rendered was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

One major problem that frustrates the objective of my amendment is the fact that information is not publicly available regarding the amount and or kind of civil forfeitures made to date. So this amendment will allow the full discussion by a sense of Congress of what would be the right process to proceed, balancing the needs of the government, balancing the needs of the victims of terrorism, balancing the question of justice, and, yes, balancing the responsible actions under the PATRIOT Act, protecting us against terrorism but then, when we are victims of terrorism, to give us the opportunity for relief.

I would hope my colleagues would support this amendment so we can carry this forward into conference and be able to provide the kind of leadership necessary for the throngs of victims, those who have already suffered, and we hope not, but for those who may suffer in the future.

I would say that absent this public disclosure of this very substantial information; that is; about the assets, it is very difficult for compensation even to be requested. So I think that we will have an opportunity to address these concerns, balance the needs of the government in its need to protect certain information, and give relief to many Americans.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk that has been made in order by the Committee on Rules, Jackson-Lee No. 42. This proposal relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable and from the pool of assets that have been forfeited under Section 981.

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

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

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

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

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

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

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

One major problem that frustrates the objective of my amendment is the fact that information is not publicly available regarding the amount and/or kind of civil forfeitures made to date. The Executive Branch of our Government has suggested that it has no duty to disclose either the identity of the parties who own civilly forfeited property or the amounts forfeited to date. Absent public disclosure of this very substantive information, it is very difficult for compensation to even be requested—let alone expected for victims of horrific acts of terrorism.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations.

The Jackson-Lee Amendment protects terror victims' rights.

Domestic and international terrorism should not be facilitated by barring successful plaintiff-victims from enforcing valid judgments.

In closing, Mr. Chairman, let me thank the chairman of the full committee and the ranking member and the ranking member of the subcommittee for their leadership on this whole entire issue of protecting Americans against terrorism and including in that protection of their civil liberties.

This amendment will not only protect Americans against the dangers of life and limb and the loss of life, but give them relief in our courts. I ask my colleagues to support this amendment sponsored by myself and my colleague, the gentleman from Texas (Mr. POE), a sense of Congress amendment to provide relief to Americans victimized by terrorism.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified, will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 109–178.

AMENDMENT NO. 16 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HYDE:

Add at the end the following:

SEC. ___. PROHIBITION OF NARCO-TERRORISM.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010 the following:

''NARCO-TERRORISTS WHO AID AND SUPPORT TERRORISTS OR FOREIGN TERRORIST ORGANIZATIONS

''SEC. 1010A. (a) PROHIBITED ACTS.—Whoever, in a circumstance described in subsection (c), manufactures, distributes, imports, exports, or possesses with intent to distribute or manufacture a controlled substance, flunitrazepam, or listed chemical, or attempts or conspires to do so, knowing or intending that such activity, directly or indirectly, aids or provides support, resources, or anything of pecuniary value to—

''(1) a foreign terrorist organization; or

''(2) any person or group involved in the planning, preparation for, or carrying out of, a terrorist offense, shall be punished as provided under subsection (b).

''(b) PENALTIES.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not less than 20 years and not more than life and shall be sentenced to a term of supervised release of not less than 5 years.

''(c) JURISDICTION.—There is jurisdiction over an offense under this section if—

''(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

''(2) the offense or the prohibited drug activity occurs in or affects interstate or foreign commerce;

''(3) the offense, the prohibited drug activity or the terrorist offense involves the use of the mails or a facility of interstate or foreign commerce;

''(4) the terrorist offense occurs in or affects interstate or foreign commerce or would have occurred in or affected interstate or foreign commerce had it been consummated;

''(5) an offender provides anything of pecuniary value to a foreign terrorist organization;

''(6) an offender provides anything of pecuniary value for a terrorist offense that is designed to influence the policy or affect the conduct of the United States government;

''(7) an offender provides anything of pecuniary value for a terrorist offense that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(8) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(9) the offense occurs in whole or in part within the United States, and an offender provides anything of pecuniary value for a terrorist offense that is designed to influence the policy or affect the conduct of a foreign government;

''(10) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

''(11) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

''(d) PROOF REQUIREMENTS.—The prosecution shall not be required to prove that any defendant knew that an organization was designated as a 'foreign terrorist organization' under the Immigration and Nationality Act.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ANYTHING OF PECUNIARY VALUE.—The term 'anything of pecuniary value' has the meaning given the term in section 1958(b)(1) of title 18, United States Code.

''(2) TERRORIST OFFENSE.—The term 'terrorist offense' means—

''(A) an act which constitutes an offense within the scope of a treaty, as defined under section 2339C(e)(7) of title 18, United States Code, which has been implemented by the United States;

''(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

''(3) TERRORIST ORGANIZATION.—The term 'terrorist organization' has the meaning given the term in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself 4 minutes, and I am very pleased to offer an amendment to the USA PATRIOT Reauthorization Act which deals with the new reality of overlapping links between illicit narcotics and global terrorism. Evidence of this deadly and emerging symbiotic relationship is overwhelming. My amendment creates a new crime that will address and punish those who would use these illicit narcotics to promote and support terrorism.

The Committee on International Relations recently held a hearing on Afghanistan in which our well-informed Drug Enforcement Administration conservatively estimated that nearly half of the formerly designated foreign terrorist organizations have links to illicit narcotics. It has been widely reported that the Madrid train terrorist bombings were partially financed by hashish money.

In Colombia, the Revolutionary Armed Forces of Colombia and the AUC, which are two of these FTOs, thrive on the drug trade, supporting and sustaining themselves with illicit proceeds. My amendment, recognizing this new and deadly reality, makes it a Federal crime under the Controlled Substance Import and Export Act to engage in drug trafficking that directly or indirectly aids or provides support, resources, or any pecuniary value to a foreign terrorist organization or any person or group planning, preparing for, or carrying out a terrorist offense. The amendment provides very tough penalties, consistent with the serious nature of this crime.

As provided in my amendment, it will no longer be necessary for our overworked DEA and other law enforcement agencies abroad to be looking for a U.S. nexus to illicit drug shipments and drug traffickers who are engaging in this deadly trade which supports global terrorism.

Mr. Chairman, I urge adoption of my amendment which will give the tools to our law enforcement personnel in their ongoing global fight against terrorism.

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

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SOUDER) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

S. 45. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The Committee resumed its sitting.

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

Mr. Chairman, this provides mandatory minimums, which we have frequently said if it had come up in committee we would have a letter ready from the Judicial Conference reminding us that mandatory minimums violate common sense, because if the penalty makes sense, it can be imposed; if it does not make sense, it has to be imposed anyway.

This amendment is unnecessarily confusing and duplicative of current law. It is already a crime punishable by 20 years in prison, or life in prison in some circumstances, to provide material support of any kind to a terrorist organization or to support a person in carrying out terrorist acts regardless of how the money came about, whether it was from drug proceeds or otherwise.

If anyone is engaged in drug trafficking of any significance in order to support terrorism, they can already be charged with both a drug offense and the material support of terrorism.

□ 1930

This might, unfortunately, bring in some small-time dealer that did not know what he was doing and all of a sudden he is subjected to 20-year mandatory minimums when he was not much of a dealer at all.

This new crime would substantially broaden the Federal death penalty in ways that might actually violate the Constitution. For example, indirect offenses like conspiracy are generally not death eligible, but financing is more analogous to conspiracy than the direct crimes like hijacking, bombing or murder by drug king, which are already death eligible. Drug trafficking and terrorism crimes already carry numerous penalties for the most egregious offenses, so we do not need them anew in this case.

Mr. Chairman, I hope we defeat this amendment. We did not put it into the bill in committee when we would have had an opportunity to ensure it did not conflict with various other provisions of the law or was unnecessarily duplicative.

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

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the distinguished chairman of the Committee on International Relations for yielding me this time and for his continued leadership on narcotics issues as we tackle these questions at the international level.

The preceding speaker said that some of these amounts might be fairly small. Well, in Madrid it probably was fairly small. Spanish authorities have said that the Muslim militant cell exchanged for hashish and cash to fund it. I do not know how much it was. It probably was not a truckload of hashish. It may not have been a big thing, but there are a lot of people dead.

The link between narcotics and terrorism is growing, as the distinguish chairman pointed out; and we have heard the same thing in the drug policy subcommittee, and that is anywhere from slightly below half to slightly over half of the major terrorist organizations in the world are funded by drugs, most likely heroin and hashish, but also cocaine.

As we get better at driving them underground, we are going to see an increase in narcotrafficking and terrorism around the world, as we will see in human trafficking, as well, as we drive this underground.

As far as mandatory minimums, I hope there are mandatory minimums on people funding direct terrorist attacks on the United States. If you are selling drugs, and even inadvertently, and these groups often are hear no evil, see no evil, and they pretend like they are not involved in narcotics trafficking, but as they swap with different cells and work with these cells around the world, I hope they have a mandatory minimum, if they blow up and terrorize America, terrorize London and terrorize Spain. We need stiff penalties.

We need to look for these gaps and these holes so we can go after these groups and break them up. We have had multiple efforts around the world where we see some of these terrorist organizations starting to interact with each other. We need to have conspiracy clauses that enable us, as they start to interconnect from South America, Asia and the Middle Eastern gangs as they swap cocaine for other things and convert and move in the underground market. We need to stay up with how the terrorists are working.

As they start to interconnect, we need laws that can address this, and I commend the chairman from the Committee on International Relations with trying to address this rapidly growing threat in all regions of the world.

I urge this Congress to send a strong message that this needs to be part of the PATRIOT Act as we look at the international efforts and the international connection in the funding of terrorism.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, the Hyde amendment recognizes a new reality in a very real danger that is growing: the deadly mix of drug trafficking and terrorism. It has now been estimated that nearly half of the designated foreign terrorist organizations are involved in the trafficking of illegal drugs. That is illegal drugs that end up on the streets of our cities, the cities of our allies, poisoning the fabric of their society and our society.

Terrorists, like old organized crime syndicates from the past, have recognized that illegally drug trafficking is a valuable source of financing and just another way to threaten our country. The evidence linking these two criminal activities is overwhelming. Terrorists in Afghanistan are now infiltrating and controlling the cultivation of poppy and ultimately heroin. The deadly bombings in Spain were financed through drug money. Hezbollah has been linked to drug trafficking from South America to the Middle East; and of course the Revolutionary Armed Forces of Colombia has long-standing drug trafficking operations which fund their deadly activities.

The Hyde amendment simply creates a new Federal crime for the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any other terrorist organization and imposes a stiff mandatory minimum penalty of 20 years. It is a serious crime and one that needs to be stopped, and this amendment would do the job.

I would say that those who have some question about mandatory minimum penalties, this is hardly the place to object to them. This is really seriously two crimes: the one of drug trafficking connected with terrorism. It seems to me this would be precisely the place we would support mandatory minimum penalties.

I think we should be thanking the gentleman from Illinois (Mr. HYDE) for bringing this to our attention. Let us remember that since most of the Afghan heroin goes to Europe and not here to the United States, our Justice Department and hard-pressed DEA are very limited in going after the drug dealers and drug lords who facilitate terrorism directed at our troops. They need some nexus to the drugs coming to the USA.

Please join me in supporting the Hyde amendment. It makes sense. Yes, it is tough; but we need to be tough in this circumstance.

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

Mr. Chairman, I would like to respond to the suggestion about mandatory minimums. This may be a crime where high sentences may be appropriate; and if they are appropriate in the individual case, they can be applied.

What the mandatory minimum imposes, whether it makes any sense or not, whether it violates common sense, it still has to be applied. That is why we get a letter from the Judicial Conference every time we have a bill before us with mandatory minimums in it, they remind us that the mandatory minimums violate common sense.

We also have the opportunity to review the studies that we have seen that show that mandatory minimums waste taxpayer money, as opposed to other ways that you can sentence.

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

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very briefly, a mandatory minimum sentence covers two crimes. It covers dealing narcotics and facilitating and enabling terrorism. It seems to me a modest sentence of 20 years for those two heinous crimes.

There is a definite link between the illicit narcotics trade and the financing of terrorism. We have taken a focused look at that link, and this is an attempt to disrupt it and destroy it.

The gentleman from Virginia uses the term ''common sense.'' I think it is the utmost of common sense for us to address the flourishing of illicit drug trade and its link with narcoterrorism, so I respectfully hope that the Members will support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 109–178.

Mr. SCOTT of Virginia. Mr. Chairman, a Democratic amendment was scheduled next, but I believe that amendment is not going to be offered.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 109–178.

AMENDMENT NO. 18 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. SESSIONS:

Add at the end the following:

SEC. 17. INTERFERING WITH THE OPERATION OF AN AIRCRAFT.

Section 32 of title 18, United States Code, is amended—

(1) in subsection (a), by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8) respectively;

(2) by inserting after paragraph (4) of subsection (a), the following:

''(5) interferes with or disables, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of such aircraft or any air navigation facility aiding in the navigation of any such aircraft;'';

(3) in subsection (a)(8), by striking ''paragraphs (1) through (6)'' and inserting''paragraphs (1) through (7)''; and

(4) in subsection (c), by striking ''paragraphs (1) through (5)'' and inserting ''paragraphs (1) through (6)''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

I offer a thanks to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, who made in order my request for an amendment.

Mr. Chairman, the PATRIOT Act currently makes it a Federal crime to interfere with any person operating a mass transportation vehicle with the intent to endanger any passenger or with a reckless disregard for the safety of human life.

While this clearly applies to passenger aircraft, it fails to protect other aircraft. The consequences of this oversight were recently exposed by a widely reported New Jersey laser beam incident. On two separate occasions, an individual directed a laser beam at the cockpit of a small passenger airplane and at a Port Authority Police Department helicopter. Such conduct is extremely dangerous, putting aircraft at tremendous risk by startling, distracting, and even blinding pilots. However, when apprehended, this individual was charged only in connection with the airplane. Although equally in danger, the police helicopter did not qualify for mass transportation vehicle protection.

Unfortunately, the New Jersey incident was not an isolated instance. Similar occurrences have happened in Ohio, Texas, Colorado, and Oregon. Pilots nationwide increasingly are reporting laser-beam interference during landing approaches, and although no reports have been terrorist-related to date, there is evidence that terrorists are exploring the use of similar laser tactics as weapons.

Regardless of intent, we must communicate to the public that aircraft interference of any kind is unacceptable and will not be tolerated. It is our duty to give law enforcement the tools it needs to protect pilots, passengers, and civilians on the ground. The PATRIOT Act has taken a first step, and now we must tie up these loose ends.

This amendment would simply extend the existing PATRIOT Act passenger aircraft protections to all aircraft. Just as it is entirely unacceptable to interfere with the pilot of a passenger aircraft, it is equally unacceptable to interfere with a pilot of a government or private aircraft.

Additionally, this amendment would ensure the protection of everyone engaged in the operation of an aircraft from those in the air to those navigating on the ground.

Mr. Chairman, this is a commonsense amendment that will improve aircraft safety. A gap has been exposed in the current law, and now we have an opportunity to fill that gap.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, let me say that I think the gentleman from Texas (Mr. SESSIONS) has spotted a loophole in our current law and the vulnerability for aircraft that are not passenger aircraft in nature.

An aircraft that is brought down by a laser will kill people just as dead if they have passengers on it or if it is a cargo plane or general aviation aircraft or a government plane. I think people who shine lasers into cockpits of planes should have to face the music with criminal charges whether the planes are carrying passengers or not, and I think the amendment is a good one and ought to be adopted.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I appreciate the kind words of the gentleman from Wisconsin and also his words about the need for this body to adopt this amendment.

Mr. Chairman, we owe it to the pilots to offer them every extension of protection possible, and I am asking all of my colleagues to protect aviation in America by supporting this amendment.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although I plan to support this amendment to protect aircraft in U.S. airspace, I do want to rise and express my disappointment that the majority refused to accept an amendment that I offered in committee to further protect civilian aircraft.

In committee, I offered an amendment that would punish those who sell dangerous 50 caliber sniper rifles to known terrorists. Unfortunately, some in the majority viewed this as a gun control measure, but it is not. This is a national security issue.

Mr. Chairman, 50 caliber anti-armor sniper rifles are an ideal tool for terrorists because civil aircraft may be vulnerable to them. In fact, even early promotional materials for the 50 caliber rifle reference their threat to civilian aircraft. The promotional material states that the weapon could ''target the compression section of jet engines making it capable of destroying multimillion aircraft with a single hit delivered to a vital area.''

The rifle's brochure goes on to say: ''The cost-effectiveness of the 50 caliber cannot be overemphasized when a round of ammunition purchased for less than $10 can be used to destroy or disable a modern jet aircraft.''

□ 1945

Since 9/11 our country has made great efforts to secure our civilian airplanes and airports. Terrorists will obviously adapt to our tactics; so it is vital that we plan and think ahead.

It does not take a rocket scientist to figure out that if we make it difficult to get weapons on a plane or into an airport, terrorists may look to destroy airplanes from longer distances. That is what the 50 caliber rifle is designed to do. These rifles are accurate at ranges of at least 1,000 yards and even further in the hands of a trained marksman. In essence, these weapons could give a terrorist the ability to take a shot at an aircraft from beyond most airports' security perimeter.

There is already evidence that terrorists have sought these weapons. According to the Violence Policy Center, al Qaeda bought twenty-five 50 caliber anti-armor sniper rifles in the 1980s.

My amendment in the Committee on the Judiciary simply said that if someone sells a 50 caliber sniper rifle to someone who they know is a member of al Qaeda they have broken the law. That amendment was defeated, and I think it is a shame. We should have passed my amendment and made it more difficult for terrorists to get ahold of these weapons. Unfortunately, we did not do so.

I will certainly support the gentleman's amendment but with regret that we did not do more.

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

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentlewoman from California for not only her words in support of this amendment but also thank this body for carefully looking at the provisions and amendments adding to this PATRIOT Act to help keep America safe. I am very proud of this product that we are working on. I would like to ask all my colleagues to support the Sessions amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The agreement was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 109–178.

AMENDMENT NO. 19 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. PAUL:

Add at the end the following:

SEC. 17. SENSE OF CONGRESS RELATING TO LAWFUL POLITICAL ACTIVITY.

It is the sense of Congress that the Federal Government should not investigate an American citizen for alleged criminal conduct solely on the basis of the citizen's membership in a non-violent political organization or the fact that the citizen was engaging in other lawful political activity.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is a straightforward amendment intended to modestly improve the PATRIOT Act, and let me just state exactly what it does. ''It is the sense of Congress that the Federal government should not investigate any American citizen for alleged criminal conduct solely on the basis of citizen's membership in a nonviolent political organization or the fact that the citizen was engaging in other lawful political activity.''

It seems like this should go without saying. I cannot imagine anybody disagreeing with this. But our history shows that there has been abuse in this area. As far back as the Civil War, World War I, and World War II, very often speaking out on political issues were met with law enforcement officials actually charging them with crimes and even having individuals imprisoned. In the 1960s we remember that there was wiretapping of Martin Luther King and other political organizations. In the 1970s we know about the illegal wiretapping and other activities associated with Watergate, and also in the 1990s we are aware of IRS audits of a political and religious organization based only on the fact that they were religious and political.

So this is a restatement of a fundamental principle that should be in our minds and in our law, but I think it is worthwhile to restate. And I do recognize that in the PATRIOT Act they recognize that the first amendment should be protected, and in this case I think it is an additional statement that we should be respectful of people's rights to speak out and not be singled out for political or religious viewpoints.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas for yielding.

I support this amendment. I think it merely restates the fact that people who are not involved in criminal or terrorist activities have nothing to fear from the PATRIOT Act. The first amendment protects free speech. It protects political association. As long as the political association is not involved in criminal terrorist activities, we ought to encourage it even if their views are something that we disagree with.

The gentleman from Texas has done a very good service to this bill with this amendment, and I hope it is adopted overwhelmingly.

Mr. PAUL. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I support the amendment. No American should be investigated solely for membership in a nonviolent political organization or for engaging in other lawful political activity. This is important to all of us, but I wanted to note that in California we recently learned of the danger of not living up to the standard.

It has been reported by several media sources that the California National Guard was spying on the Mothers of Dead Soldiers and a group called the Raging Grannies, who are average age 75 years old, who were having a peaceful demonstration on the grounds of the State Capital on Mother's Day. I requested hearings in the Committee on Homeland Security. I have written to the California National Guard regarding this very serious allegation of a breach of first amendment protected activity. Federal funds may have been used.

I will vote for this amendment. It is the right thing, but we also need to have very aggressive investigative action when we hear about allegations of misconduct.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a member of our committee.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I rise in support of the Paul amendment and, in addition, in reluctant opposition to H.R. 3199 for several reasons.

Following the terrorist attacks of September 11, I watched as Members of

Congress came together in a bipartisan effort to craft legislation which would, it was argued, strengthen law enforcement's hand in fighting terrorists. Americans from across the political spectrum were willing to sacrifice some of the freedoms we cherish to immediately address security concerns, with the understanding that many provisions would be revisited and the civil liberty protections that we all hold so dear would be addressed.

But by making these provisions permanent, without mandatory congressional review, we placed the very democracy that we hold so dear in jeopardy. When restricting civil liberties, we should be extremely careful about forfeiting those freedoms without reviewing the ongoing need to continue to restrict them.

In these contemporary times, it may be difficult for us to conceive of the barbarous proceedings of the Salem witch trials. Indeed, they continue to perplex and horrify those of us who came later. But imagine if those perceptions and resulting actions were somehow a permanent part of our society today without an opportunity for review as to their validity?

If they were, under the PATRIOT Act's intrusive infringement on America's book purchases and library records, when the most recent episode in the Harry Potter Book series was released last Friday, we would have had hundreds of thousands of children ''burned at the stake.''

And I know this analogy might seem a bit extreme, but that is just how extreme things can become without proper checks and balances when restricting our civil liberties and freedoms, which is why we should support the Paul amendment, because true freedom of expression is an important thing to preserve.

I am hopeful that when this legislation comes back from conference that we will have a product that we can all embrace, but today I will vote for freedom. I will support the Paul amendment and I will vote against final passage of this version of the bill.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the support for the amendment on both sides. I would like to emphasize the fact that there are real reasons for this concern. There have been reports in the paper of different times when the FBI has actually intimidated some people at national conventions. We are aware of the fact that there are at least reports that federal officials have encouraged local police to actually monitor certain political groups, and we also are aware of the fact that, because of political activity, they have been placed on no-fly lists.

But I think this is all reason for concern because we do not want to give any encouragement to overzealous law enforcement officials. At the same time we do want to have enforcement of the law.

But very briefly, I would like to say that the full thrust of this bill bothers me in the fact that I think we are treating a symptom and we are really not doing dealing with the core problem of why there are suicide terrorists willing to attack us, and I think as long as that is ignored we could pass 10 PATRIOT Acts stronger than ever and it will not solve the problem unless we eventually get to the bottom of what is the cause.

And, quite frankly, I do not believe the cause is because we are free and democratic and wealthy. There is no evidence whatsoever to show that that is the motivation of terrorist attacks. And for us to continue to believe that is the sole reason for attacks, I think we are misled. And we are driven to want to protect our people, which I understand it is well motivated, but it will not solve the problem unless we eventually address that subject of why does it happen. It is not because we are free. And, ironically, in many ways we are making ourselves less free with some of the provisions in this bill.

So I would suggest that ultimately we will have to have another solution because this will not solve all of our problems.

Mr. Chairman, the USA PATRIOT Act and Terrorism Prevention Act (H.R. 3199) in no way brings the PATRIOT Act into compliance with the Constitution or allays concerns that the powers granted to the government in the act will be used to abuse the rights of the people. Much of the discussion surrounding this bill has revolved around the failure of the bill to extend the sunset clauses.

However, simply sunsetting troublesome provisions does not settle the debates around the PATRIOT Act. If the PATRIOT Act is constitutional and needed, as its proponents swear, why were sunset provisions included at all? If it is unconstitutional and pernicious, why not abolish it immediately?

The sunset clauses do perform one useful service in that they force Congress to regularly re-examine the PATRIOT Act. As the people's representatives, it is our responsibility to keep a close eye on the executive branch to ensure it does not abuse its power. Even if the claims of H.R. 3199's supporters that there have been no abuses of PATRIOT Act powers under this administration are true, that does not mean that future administrations will not abuse these powers.

H.R. 3199 continues to violate the constitution by allowing searches and seizures of American citizens and their property without a warrant issued by an independent court upon a finding of probable cause. The drafters of the Bill of Rights considered this essential protection against an overreaching government. For example, Section 215 of the PATRIOT Act, popularly known as the libraries provision, allows Foreign Intelligence Surveillance Courts, whose standards hardly meet the constitutional requirements of the Fourth Amendment, to issue warrants for individual records, including medical and library records. H.R. 3199 does reform this provision by clarifying that it can be used to acquire the records of an American citizen only during terrorist investigations. However, this marginal change fails to bring the section up to the constitutional standard of probable cause.

Requiring a showing of probable cause before a warrant may be issued will in no way hamper terrorist investigations. For one thing, federal authorities would still have numerous tools available to investigate and monitor the activities of non-citizens suspected of terrorism. Second, restoring the Fourth Amendment protections would in no way interfere with the provisions of the PATRIOT Act that removed the firewalls that prevented the government's law enforcement and intelligence agencies from sharing information.

The probable cause requirements will not delay a terrorist investigation. Preparations can be made for the issuance of a warrant in the event of an emergency and allowances can be made for cases where law enforcement does not have time to obtain a warrant. In fact, a requirement that law enforcement demonstrate probable cause may help law enforcement focus their efforts on true threats, thus avoiding the problem of information overload that is handicapping the government's efforts to identify sources of terrorists' financing.

The requirement that law enforcement demonstrate probable cause before a judge preserves the Founders' system of checks and balances that protects against one branch gathering too much power. The Founders recognized that one of the chief dangers to liberty was the concentration of power in a few hands, which is why they carefully divided power among the three branches. I would remind those of my colleagues who will claim that we must set aside the constitutional requirements during war that the founders were especially concerned about the consolidation of power during times of war and national emergencies. My colleagues should also keep in mind that PATRIOT Act powers have already been used in non-terrorism related cases, most notably in a bribery investigation in Nevada.

Mr. Chairman, H.R. 3199 does take some positive steps toward restoring respect for constitutional liberties and checks and balances that the original PATRIOT Act stripped away. However, it still leaves in place large chunks of legislation that threaten individual liberty by giving law enforcement power to snoop into American citizens' lives without adequate oversight. This power is unnecessary to effectively fight terrorism. Therefore, I urge my colleagues to reject this bill.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Although the gentleman from Texas (Mr. PAUL) and I do not always vote together, I think he speaks wisdom this evening on the need to move beyond the narrow confines of this act. Clearly we do need to and we have broken down the walls between law enforcement and the intelligence community so that we can piece together the full picture and connect the dots. We need to do a much better job of protecting America from terrorists by taking those steps we can. He is right to offer this sense of the Congress amendment. We need to have more vigorous action in addition to the sense of the Congress activity.

All of us believe we ought to fight terrorism. Many of us are concerned that we have failed to do the balance of

privacy and the Constitution in some parts of the 16 provisions that are before us this evening.

As we know, most of the PATRIOT Act is actually not before the House of Representatives this evening. It is only 16 provisions, and of those 16 provisions, there are concerns about a few of them. But those are serious concerns, and we believe that those concerns can be dealt with. We are hopeful that, as this process moves forward, that the Senate that has taken these issues of civil liberties more to heart on a bipartisan and I would add unanimous basis may in the end prevail so that those who are troubled by the failure to really deal with some of the constitutional issues will in the end be able to support a bill at least at the end of a conference process.

But I do commend the gentleman for offering his amendment. It does not solve the other problems, but it is the right thing to do, and I look forward to supporting it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 109–178.

AMENDMENT NO. 20 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mrs. LOWEY:

At the end of the bill, insert the following new sections:

SECTION 10. REPEAL OF FIRST RESPONDER GRANT PROGRAM.

Section 1014 of the USA PATRIOT ACT is amended by striking subsection (c).

SEC. 11. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''1801. Definitions.
''1802. Faster and Smarter Funding for First Responders.
''1803. Covered grant eligibility and criteria.
''1804. Risk-based evaluation and prioritization.
''1805. Task Force on Terrorism Preparedness for First Responders.
''1806. Use of funds and accountability requirements.
''1807. National standards for first responder equipment and training.''.

(2) by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''SEC. 1801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

''(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

''(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(9) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

''(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

''SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

''(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

''(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(E) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

''(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

''(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

''(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: *Provided*, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is

located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

''(a) FIRST RESPONDER GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

''(A) the Secretary;

''(B) the Under Secretary for Emergency Preparedness and Response;

''(C) the Under Secretary for Border and Transportation Security;

''(D) the Under Secretary for Information Analysis and Infrastructure Protection;

''(E) the Under Secretary for Science and Technology;

''(F) the Director of the Office for Domestic Preparedness;

''(G) the Administrator of the United States Fire Administration; and

''(H) the Administrator of the Animal and Plant Health Inspection Service.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

''(c) PRIORITIZATION OF GRANT APPLICATIONS.—

''(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

''(A) Agriculture and food.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Government facilities.

''(H) Postal and shipping.

''(I) Public health and health care.

''(J) Information technology.

''(K) Telecommunications.

''(L) Transportation systems.

''(M) Water.

''(N) Dams.

''(O) Commercial facilities.

''(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

''(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

''(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

''(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

''(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

''(A) having a significant international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

''(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

''SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

''(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

''(c) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

''(2) CONTENTS.—Each report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

''(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made

available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

"SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts

provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program; and

''(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

SEC. 12. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 13. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to the Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 14. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this section.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

Mrs. LOWEY. Mr. Chairman, I do not believe there is a Member opposed.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. SWEENEY) and ask unanimous consent that he be allowed to control that time.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this commonsense amendment would simply ensure that the areas in our country facing the

greatest threat receive their fair share of homeland security funds. Recent worldwide attacks against areas with significant critical infrastructure are not wake-up calls, they are fire alarms.

This amendment already has widespread support. The House voted for these same provisions by a vote of 409 to 10 just 10 months ago.

I urge my colleagues to once again support these provisions. Let us take action tonight so that we can allocate our precious resources to those who need them the most.

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

□ 2000

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this amendment and want to thank my good friend and colleague, the gentlewoman from New York (Mrs. LOWEY). We have worked on a number of things, including this, for quite some time.

Mr. Chairman, 3 years ago I introduced identical legislation that made homeland security funds, first responder funds threat-based. That legislation, I am happy to say, has since been supported overwhelmingly by the 9/11 Commission, the President, and the Secretary of the Department of Homeland Security. We passed an amendment by House vote of 409 to 10 as part of the authorizing language for Department of Homeland Security.

Simply, what this is, and this is not a geographic vote, this is not a political-philosophical vote, it simply says the Department of Homeland Secretary and the Secretary of that Department ought to have the resources and ought to have the flexibility to direct Federal resources where they belong, to direct Federal resources where the threats exist.

So if it is in the subway systems or the rail systems or the aviation system or some other system that the threat actually exists, the Secretary will have the capacity and the tools to indeed take all of the resources that we have as a Nation to protect ourselves.

We owe it to our constituents. It is the highest order of duty here in this body. The gentlewoman from New York (Mrs. LOWEY) and I have worked on this now for a number of years, and I am thrilled we are offering it here. My suspicion is it is going to be accepted here and made part of the PATRIOT Act.

The reason it is part of the PATRIOT Act is the original formula, the current formula that we operate under, was part of the original PATRIOT Act bill that was passed. At that time, we could not have anticipated all of the things we now know to be true as a body. This is rectifying something that was an oversight in the original PATRIOT Act bill. I strongly support that, as I do this bill.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I support this amendment, and just let me give a little bit of the history of this.

The gentleman from New York (Mr. SWEENEY) is correct that the first responder grants were a part of the original PATRIOT Act. We did not know how to divide up the first responder grants properly, so we put a formula in. Well, it ended up that the formula had some anomalies, and it ended up being out of date.

As a result, in the last Congress the Committee on the Judiciary and the Select Committee on Homeland Security worked out an agreement where the formula would be modified, where there would be certain floors for States, a lot of the money would be threat-based and the types of grants were consolidated so that there would be a simpler application process. That bill was passed 409 to 10. There were just a few Members that voted against it. Then it went over to the other body and nothing happened to it.

We have attempted to redo the first responder grants again in this Congress, and there is no hope that the other body will take the stand-alone bill and enact it into law.

By adopting this amendment, we are going to be in a stronger position to actually make the needed changes in the formula law of the United States of America this year without further delay. That is why this amendment should be supported. I would hope that it would have an overwhelming vote.

Mr. Chairman, I yield back the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlemen for their support. I thank them for accepting it. This is a very important amendment. I thank the chairman for his wisdom and for his comments. I am glad we were able to use this as a vehicle to get the job done.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109–178 on which further proceedings were postponed in the follow order: amendment No. 9 offered by Mr. BERMAN of California; amendment No. 11 offered by Mr. SCHIFF of California; amendment No. 14 by offered by Ms. HART of Pennsylvania; amendment No. 15, as modified, offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. BERMAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERMAN) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 165, not voting 7, as follows:

[Roll No. 409]

AYES—261

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Gerlach
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Rangel
Regula
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—165

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Everett
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Granger
Graves
Hall
Hayes
Hayworth
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Peterson (PA)
Pitts
Platts
Pombo
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—7

Brown (SC)
Hastings (FL)
Hinojosa
Jefferson
Pickering
Taylor (MS)
Thomas

□ 2030

Ms. FOXX, Messrs. LINCOLN DIAZ-BALART, RADANOVICH, SODREL, BOUSTANY, Mrs. MYRICK, Messrs. GRAVES, McCRERY, TERRY and Miss McMORRIS changed their vote from ''aye'' to ''no''.

Messrs. KINGSTON, WALDEN of Oregon, GUTKNECHT, Ms. SOLIS, Mr. SCHWARZ of Michigan, Ms. HARRIS, Mr. ROHRABACHER, Mrs. EMERSON, and Messrs. YOUNG of Alaska, COX and INGLIS of South Carolina changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 381, noes 45, not voting 7, as follows:

[Roll No. 410]

AYES—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—45

Baldwin
Blumenauer
Conyers
Delahunt
Filner
Frank (MA)
Grijalva
Holt
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kildee
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Nadler
Oberstar
Olver
Otter
Owens
Paul
Payne
Sabo
Schakowsky
Scott (VA)
Serrano
Stark
Tierney
Visclosky
Wasserman Schultz
Waters
Watt
Woolsey

NOT VOTING—7

Brown (SC)
Hastings (FL)
Hinojosa
Jefferson
Pickering
Taylor (MS)
Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2039

Messrs. KILDEE, BLUMENAUER, DELAHUNT and Ms. MILLENDER-

McDONALD changed their vote from ''aye'' to ''no''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MS. HART

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 387, noes 38, not voting 8, as follows:

[Roll No. 411]

AYES—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—38

Baldwin
Blumenauer
Capuano
Carson
Clay
Conyers
Crowley
Cummings
Filner
Frank (MA)
Grijalva
Gutierrez
Holt
Jackson (IL)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Lofgren, Zoe
Markey
McDermott
McGovern
McKinney
Miller, George
Moore (WI)
Paul
Payne
Petri
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Waters
Watt
Wexler
Woolsey

NOT VOTING—8

Brown (SC)
Hastings (FL)
Hinojosa
Jefferson
Lewis (CA)
Pickering
Taylor (MS)
Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2046

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15, AS MODIFIED, OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 192, not voting 9, as follows:

[Roll No. 412]

AYES—233

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)

Schwarz (MI)
Scott (GA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn
Young (FL)

NOES—192

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Clyburn
Conaway
Cooper
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—9

Brown (SC)
Cardoza
Hastings (FL)
Hinojosa
Jefferson
Kirk
Pickering
Taylor (MS)
Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2053

Messrs. SCHWARZ of Michigan, FORD, BERMAN and SHAYS changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, pursuant to House Resolution 369, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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 OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

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

Mr. BOUCHER. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. BOUCHER moves to recommit the bill H.R. 3199 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Amend section 3 to read as follows:

SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.

(a) EXTENSION OF SUNSET.—Section 224 of the USA PATRIOT Act is amended by striking ''December 31, 2005'' and inserting ''December 31, 2009''.

(b) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Sections 6, 7, 8, 9, and 10 of this Act and the amendments made by such sections shall cease to have effect on December 31, 2009.

(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, I rise this evening to ask that the House retain its oversight authority by inserting 4-year sunsets into H.R. 3199.

In the past year, we have asked the Department of Justice how it is using the authority granted to it under the PATRIOT Act. Some of our questions simply went unanswered. Other questions were rebuffed, and we were told that the information was classified. And still others were avoided by telling us that the information simply was not available.

However, all of that changed in April of this year when the Justice Department realized that a straight reauthorization of the PATRIOT Act would not happen without serious answers to our reasonable questions. Suddenly, numbers and examples were no longer unavailable. Suddenly, the information we had long been seeking was provided.

I have no doubt that if 16 provisions of the law were not scheduled to sunset at the end of this year, we would still have little information about how these authorities have been used.

Members of the majority have stressed today that the Committee on the Judiciary has held 12 PATRIOT Act hearings in recent months. That extensive inquiry would not have occurred had the sunsets in the law not been in place. For these reasons, we should reinstate the sunsets for an additional 4 years. All 16 of the sunsets that were contained in the original law would be reinserted through this motion to recommit. The FBI will still have all the powers that the bill gives it. It will simply have to come back 4 years from now and answer our legitimate questions about how those powers have been used.

□ 2100

Reinstating the sunsets is about accountability. Our colleagues across the aisle will say that no abuses have occurred by the powers granted to the government under the PATRIOT Act. That point I think is open to debate. I think most would agree that the breadth of many of these provisions creates, at a minimum, the potential for abuse and we, therefore, have an obligation to conduct rigorous oversight to ensure that civil liberties are protected. Inserting the sunset provisions into the law once again will be the way to ensure that we can conduct that vigorous oversight. I urge approval for this motion, which will simply assure that we remain in that strong position.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this motion. After 9/11, the United States Congress gave

our investigative agencies a wide variety of special powers to fight a war on terrorism, an expansion of powers that we would have never approved in peacetime. This included the right to break into homes of American citizens without court order, seize documents, copy computer files, and evidence without ever telling the owner. We gave our agencies, among those other things, the right to wiretap and intercept phone and computer communications without prior cause, and in general we lowered the requirement for lawful searches. I supported this dramatic expansion of Federal power because our country was at war.

In times of emergency, it is responsible to increase the power of our government, yet we recognize that these powers should contain sunset provisions. The first PATRIOT Act had 16 of its sections sunsetted, so after the emergency was over the government would again return to a level consistent to a free society. Our Republic was founded on the idea that the powers of government should be limited. We should not be required to live in peacetime under the extraordinary laws that were passed during times of war and crisis. Emergency powers of investigation should not become the standard once the crisis has passed.

I am seriously concerned about the use of emergency conditions to permanently alter our constitutional legal rights. Until now, the Members of this body have been denied the ability to vote their conscience on the issue of sunsets. Now, each of us will have that opportunity. It is not a Republican vote, it is not a Democrat vote. I support this war on terror and the war on radical Islam. I was here yesterday fighting for a very important provision that put me against my friends on the other side of the aisle. But today I am asking all of my friends, on both sides of the aisle, let us be patriots. Let us stand up for those principles that our Founding Fathers talked about, and that is limiting the power of government.

What we are doing here in this motion to recommit is establishing the sunsets so that 4 years from now, hopefully when we have beaten the terrorists, we can return to normal constitutional protections, and if not, we can reestablish another situation. But, please, let us keep faith with those people who founded our country on limited government and the protection of civil liberties. Vote ''yes'' on this provision.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Good oversight is done by congressional leadership, not by sunsets. There has been good oversight over the PATRIOT Act right from the beginning. The Committee on the Judiciary has spent a lot of time overseeing the Justice Department, with oversight letters, questions that the gentleman from Michigan (Mr. CONYERS) and I have sent jointly to the Justice Department, Inspector General reports, and this is the result of it: Almost two feet of responses.

And what have these responses said? First of all, there has been no provision, of the 16 sunsetted provisions, that have been found unconstitutional by any Federal court in the Nation. The Inspector General's report has found no civil liberties violations under the PATRIOT Act, and I think that the question we ought to ask ourselves today is whether we should weigh the potential for abuse of this law against the actual record of abuse. There is no actual record of abuse with all of the oversight that we have been doing.

Now, we have had 12 hearings on the PATRIOT Act, the 16 sunsetted provisions. Thirteen of the 16 provisions are noncontroversial. There have not been witnesses that have appeared before the committee that have said that there are problems, and that includes the provision that tore down the wall after 9/11 that prevented the CIA and the FBI from exchanging intelligence information. This motion to recommit will bring that wall back up in 2009. I think we ought to look at the record. We ought to look at the actual record of abuse. There has been none.

Only 5 percent of our legislation is sunsetted. Why sunset legislation where there has been no actual record of abuse and there has been vigorous oversight?

Mr. Speaker, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I am probably the last person expected to speak on behalf of the committee or the leadership in general. I tend to be critical sometimes of committees and the leadership and the process here. But let me tell you, I have watched the process here in the Committee on the Judiciary over the past couple of years on this issue. I have watched us hold hearing after hearing, 12 just in the last several months, 2 in the last Congress, and I have watched us adopt amendment after amendment in committee. We held a 12-hour markup there, a serious markup. I am often critical of the way we do business here, but here I saw it work. We did exercise effective oversight.

Mr. Speaker, nobody loves sunsets like this Arizonan. I was very supportive of the sunsets we had in the bill initially. I am very supportive of the sunset we have, the 10-year sunsets on the two controversial provisions. I think those ought to stand, and I hope they make it through the process. But I have learned on issues like this you do not get everything you want. I did not get every amendment I wanted. I got a few, and a few of the ones we did get were substantive.

We have made amendments to section 215, to section 213. We have tightened up the requirements of national security letters. These are substantive amendments. They are good. Sometimes, as my hero in politics said once, in one book, Barry Goldwater said, ''Politics is nothing more than public business. Sometimes you make the best of a mixed bargain. You don't always get everything you want.''

We got good substantive reform here and we have sunsets. They are a bit longer than I am comfortable with at times, but we have them here. I think we ought to make the best of what we have. It is a good product. I commend the chairman and the others.

And I should say it is not just the Committee on the Judiciary that has gone through this process. The Permanent Select Committee on Intelligence has had hearings as well. They have had a markup process and have worked collaboratively, Democrats and Republicans.

My own amendments, virtually every one of them, had Democrats on them. I have worked with them and we have worked together on this. I helped form the PATRIOT Act Reform Caucus over a year ago. We have worked to make sure these changes have been made. This is a good product. I urge a ''no'' vote on the motion to recommit and ''yes'' on the underlying bill.

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

The SPEAKER pro tempore (Mr. LATOURETTE). 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. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 209, nays 218, not voting 7, as follows:

[Roll No. 413]

YEAS—209

Abercrombie	Cardoza	Doyle
Ackerman	Carnahan	Edwards
Allen	Carson	Ehlers
Andrews	Case	Emanuel
Baca	Chandler	Engel
Baird	Clay	Eshoo
Baldwin	Cleaver	Etheridge
Barrow	Clyburn	Evans
Bartlett (MD)	Conyers	Farr
Bean	Cooper	Fattah
Becerra	Costa	Filner
Berkley	Costello	Ford
Berman	Cramer	Frank (MA)
Berry	Crowley	Gonzalez
Bishop (GA)	Cuellar	Gordon
Bishop (NY)	Cummings	Green, Al
Blumenauer	Davis (AL)	Green, Gene
Boren	Davis (CA)	Grijalva
Boswell	Davis (FL)	Gutierrez
Boucher	Davis (IL)	Harman
Boyd	Davis (TN)	Hefley
Brady (PA)	DeFazio	Herseth
Brown (OH)	DeGette	Higgins
Brown, Corrine	Delahunt	Hinchey
Butterfield	DeLauro	Holden
Capps	Dicks	Holt
Capuano	Dingell	Honda
Cardin	Doggett	Hooley

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—218

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

NOT VOTING—7

Brown (SC)
Hastings (FL)
Hinojosa
Mack
Pickering
Taylor (MS)
Thomas

□ 2125

Mr. BASS changed his vote from ''yea'' to ''nay.''

Mr. SERRANO changed his 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 (Mr. LATOURETTE). 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. SENSENBRENNER. 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 257, noes 171, not voting 6, as follows:

[Roll No. 414]

AYES—257

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

NOES—171

Abercrombie
Ackerman
Allen
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Bishop (UT)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson
Clay
Cleaver
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (GA)
Price (NC)
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)

Snyder	Towns	Watt
Solis	Udall (CO)	Waxman
Stark	Udall (NM)	Weiner
Strickland	Van Hollen	Wexler
Stupak	Velázquez	Woolsey
Tanner	Visclosky	Wu
Tauscher	Wasserman Schultz	Wynn
Thompson (CA)	Waters	Young (AK)
Thompson (MS)	Watson	
Tierney		

NOT VOTING—6

Brown (SC)	Hinojosa	Taylor (MS)
Hastings (FL)	Pickering	Thomas

□ 2144

Mrs. MCCARTHY and Messrs. BISHOP of New York, ISRAEL, ROTHMAN, SNYDER, and MOORE of Kansas changed their vote from ''aye'' to ''no.''

Mr. TAYLOR of North Carolina changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2145

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3199, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 22, POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 22, the Postal Accountability and Enhancement Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 1 p.m. on Monday, July 25, 2005. Members should draft their amendments to the bill as reported by the Committee on Government Reform on April 13, 2005, which was filed with the House on April 28, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

CORRECTING ENROLLMENT OF H.R. 3377, SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART IV

Mr. PETRI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 212) to correct technical errors in the enrollment of the bill H.R. 3377.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 212

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3377, the Clerk of the House shall make the following corrections in section 5 of the bill:

(1) In the matter amending section 157(g)(1) of title 23, United States Code, strike ''$92,054,794,521'' and insert ''$92,054,794''.

(2) In the matter amending section 163(e)(1) of such title, strike ''$90,410,958,900'' and insert ''$90,410,958''.

(3) In the matter amending section 2009(a)(1) of the Transportation Equity Act for the 21st Century strike ''$135,616,438,356'' and insert ''$135,616,438''.

(4) In the matter amending section 2009(a)(2) of such Act strike '$59,178,082,192'' and insert ''$59,178,082''.

(5) In the matter amending section 2009(a)(3) of such Act strike ''$16,438,356,164'' and insert ''$16,438,356''.

(6) In the matter amending section 2009(a)(4) of such Act strike ''$32,876,712,329'' and insert ''$32,876,712''.

(7) In the matter amending section 2009(a)(6) of such Act strike ''$2,958,904,110'' and insert ''$2,958,904''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1376

Mr. BOREN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1376.

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

There was no objection.

THE GOOD WORK AT GUANTANAMO

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

Mr. PRICE of Georgia. Mr. Speaker, like many Americans, I have heard of some activities at the detention facility at Guantanamo Bay that have given me some concern. Unlike most Americans, I recently had the opportunity to visit Guantanamo and what I saw with my own eyes was not what I had heard.

All Americans can be proud of our servicemen and women who protect us, including those at Guantanamo. They are our moms and our dads, our brothers and our sisters, our sons and our daughters, and they are running a professional, respectful, orderly and clean detention facility that is vital to our security.

The war on terror continues. The men being held at Guantanamo are constantly being evaluated to determine whether their detention should continue. Are they still a threat, or can they provide further information in the war on terror? For each of them the answer is clearly yes.

Mr. Speaker, General Raymond Hood and all members of the Joint Task Force at Guantanamo should be honored and commended for their work and help in protecting all Americans.

PROVIDING HEALTH CARE SECURITY FOR ALL AMERICANS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this evening we have addressed our Nation's homeland security with the reauthorization of the PATRIOT Act, putting the focus where it should be, keeping this Nation safe.

My constituents talk with me not only about homeland security and economic security, but about our health care security.

Mr. Speaker, I would like to commend the gentleman from Texas (Mr. SAM JOHNSON) for the Small Business Health Fairness Act that he has filed. We talk about small businesses buying association health plans, being able to group together to buy health insurance to provide for their small business employees. This is a good idea. It helps bolster our Nation's economic engine, those small businesses.

I commend the gentleman from Texas. I cosponsored his legislation. I look forward to supporting it as he begins to move that to the floor and we keep the focus on security in this great Nation.

PRODUCTION, CONFIDENCE AND THE ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, the impact of the President's ambitious agenda and our work in the House is ensuring that America's economy remains the strongest in the world. In fact, recent economic data shows the economy is providing the momentum necessary to drive steady jobs growth, despite Members of the minority party's attempts to distort our economic agenda.

In the month of June, our robust economy created more than 144,000

jobs. The recent rise in our economy's production reflects the largest surge in utility output in 16 years, and the outlook for our country's growth is sitting well with consumers. The latest Consumer Sentiment Index rose in July as Americans become more and more upbeat about the economy.

Tax cuts proposed by President Bush have helped the economy grow at an annualized pace of more than 3 percent for the last 2 years. The last time the economy performed this well was more than 2 decades ago.

In order to maintain a robust economy, we must work with the President to pass legislation that promotes economic growth, including making his tax cuts permanent, restraining government spending, reducing unnecessary regulation, strengthening retirement security and expanding trade.

There is more work to be done, and we must no longer allow some Democrats to stand in the way of job creation.

THE COST OF CAFTA TO U.S. TAXPAYERS

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

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement would cost U.S. taxpayers $500 million over the next 10 years, according to estimates released this week by the nonpartisan Congressional Budget Office. The CBO, the arm of Congress that estimates the cost of legislation, also found that revenues to the U.S. Treasury would fall by $4.4 billion over the same 10-year period, $440 million a year.

CAFTA will not just drive up a trade deficit that has gone from $38 billion to $618 billion in a dozen years; it will not just cause more job loss, we have lost 3 million manufacturing jobs in this country in the last 5 years; it is also going to cost taxpayers hundreds of millions of dollars. One more big reason to vote no on the Central American Free Trade Agreement.

RHETORIC IN THE HOUSE OF REPRESENTATIVES

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

Mr. McDERMOTT. Mr. Speaker, it is hot outside, and we must cool off the rhetoric in this House.

We have had another bombing in London, and yet Members of this House are talking about bombing Muslim holy places. Members are quoted in the press as talking about shooting people in the press who are investigating the Karl Rove incident.

This issue is now on the front page of the Washington Post, just like Watergate was, and there is no place for that kind of inflammatory rhetoric in this House or by the membership of this House.

The Speaker should make it clear that Members have a major impact on the public when they talk in that kind of language. We do not want to be seen to encourage it or in any way say it is all right. Those kinds of things from a Member of Congress are clearly out of place.

I include for printing in the RECORD a story from the Editor & Publisher of a Member of Congress and what has been said in the press today. This must not continue.

REP. KING SAYS RUSSERT AND OTHERS IN MEDIA SHOULD 'BE SHOT,' NOT KARL ROVE

(By E&P Staff)

NEW YORK.—From the transcript of an interview on Tuesday night on MSNBC's ''Scarborough Country,'' between host Joe Scarborough and Congressman PETER KING, a Republican from New York, on the Plame case and the possible leak of the CIA agents name by White House aide Karl Rove.

* * *

Scarborough: The last thing you want to do at a time of war is reveal the identity of undercover CIA agents.

King: No. Joe Wilson, she recommended—his wife recommended him for this. He said the vice president recommended him. To me, she took it off the table. Once she allowed him to go ahead and say that, write his op-ed in ''The New York Times,'' to have Tim Russert give him a full hour on ''Meet the Press,'' saying that he was sent there as a representative of the vice president, when she knew, she knew herself that she was the one that recommended him for it, she allowed that lie to go forward involving the vice president of the United States, the president of the United States, then to me she should be the last one in the world who has any right to complain.

And Joe Wilson has no right to complain. And I think people like Tim Russert and the others, who gave this guy such a free ride and all the media, they're the ones to be shot, not Karl Rove.

Listen, maybe Karl Rove was not perfect. We live in an imperfect world. And I give him credit for having the guts.

And I really—tell you, Republicans are running for cover. They should be out attacking Joe Wilson. We should throw this back at them with all the nonsense that has been said about George Bush and all the lies that have come out.

Scarborough: Well * * *

King: Let's at least stand by the guy. He was trying to set the record straight for historical purposes and to save American lives. And if Joe Wilson's wife was that upset, she should have come out and said that her husband was a liar, when he was.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REASONS TO VOTE NO ON CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today at 10 o'clock I had the pleasure of being with my good friend the gentleman from Ohio (Mr. BROWN) as we attended an interfaith alliance meeting of religious leaders across this Nation and outside of America, really, because they were from the five Central American countries that are in the CAFTA agreement.

It was quite an impressive ceremony. We had religious leaders that care about justice and freedom and opportunities, and the gentleman from Ohio (Mr. BROWN) and I had a chance to speak. I will tell you that these religious leaders from across this Nation, as well as from the Central American countries, are opposed to CAFTA. I am opposed to CAFTA.

Let me say this: We all agree that we need to have trade relationships with these five Central American countries, but this is not the right agreement. I was so impressed, and I am sure my friend the gentleman from Ohio (Mr. BROWN) will speak pretty soon about this, that these people were so committed to justice and fairness and opportunity, not just for those in Central America, but those here in America.

I think about my home State of North Carolina. We passed NAFTA, which Ross Perot said of in the 1991 debates, ''You know, when we talk about all this NAFTA for Mexico, we are talking about jobs being sucked out of America.''

I will tell you truthfully, in my home State of North Carolina, since 1993 we have lost over 200,000 manufacturing jobs. I know people in my State of North Carolina that have never been able to replace those jobs with the same salary and with the same benefits.

This agreement that is going to be brought to the floor next week is a flawed agreement. We need to send it back to be revisited and redrawn, quite frankly.

But I want to say just in the next couple of minutes that today was such an experience. These people, they want to have justice for American citizens and workers and also those in the five Central American countries. This agreement does not do it.

I can honestly tell you that we only have maybe 25, maybe 26 Republicans that are going to vote no on CAFTA, and it is not that we are against trying to help those in Central America, and we want to help the American workers at the same time, but this agreement is so, so flawed that it will not help those.

What really got to me today when I was listening to these people from Central America, they had to have a translator. A couple of them were ministers and there was one priest from the Central American countries, and two of them had to have translators. They were speaking in English, obviously, for those who cannot speak Spanish. But what they were saying is what are we going to do to the workers making

a $1 an hour, some making less than $1, and where the work environment is so poor? This agreement will do nothing to help improve that.

That is what is flawed about this agreement. It does not help the American worker, it does not help the workers in the five Central American countries. I just hope that we next week in a bipartisan way will do what is right, first for America, and secondly for those countries in Central America, and go back to the table and redraw an agreement that is good for us and good for them.

I will say in closing, Mr. Speaker, that I was so impressed with the attitude today at this interfaith conference, because these people want justice for American workers and workers in Central America, and if we do not as a Congress meet our responsibility and do what is right, then I do not think we are meeting our oaths as we got on this floor and raised our hand and said we will support the Constitution of the United States of America.

I think we need to do what is right. That is why I am hoping that we will next week vote and defeat this CAFTA bill that will come to the floor, if it does come to the floor, and let us go back to the drawing table and let us do what is right. We can make a really good agreement and help those in America and help those in the five countries.

Again, my State of North Carolina has lost over 200,000 manufacturing jobs. People are saying to me, ''Congressman, please, please, defeat the CAFTA agreement when it comes to the floor of the House.''

Mr. Speaker, I will always try to do what I think is right for this country. I want to say thank you to those men and women in uniform in Afghanistan and Iraq and their families, and God bless America.

□ 2200

WHILE ONLY A FEW MAY BE GUILTY, WE ALL ARE RESPONSIBLE

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this morning I joined my friend, the gentleman from North Carolina (Mr. JONES), to attend a prayer breakfast near the Capitol where more than 50 representatives of the Christian and Jewish faiths issued a national call for reflection on the Central American Free Trade Agreement. The gentleman from North Carolina (Mr. JONES) just described that prayer breakfast, that time of reflection.

Despite deep and broad opposition to the Central American Free Trade Agreement, House leadership has promised to bring the agreement to the floor of the House for a vote next week. As an elected official, as a citizen of our great Nation, that disappoints me. As a Lutheran, as a person of faith, I find this trade agreement violates the tenets of my faith and the tenets of my belief in social justice.

Whether Christian or Jew or Muslim, the Abramaic tradition is rooted in the principles of responsibility to each other as brethren, in doing unto others as you would have them do unto you.

As Christians, we are given the New Testament, which shares with us Christ's teachings of social and economic justice.

As Members of Congress, as Democrats and Republicans, we see firsthand the real and tangible effects of trade policies that contradict those teachings. CAFTA does just that.

We have heard on this floor, we have heard from lobbyists, generally lobbyists that work for the drug companies, the insurance industry, the large banks, the oil companies, the big multinational corporations, we have heard from these lobbyists as they troll the House office buildings, we have heard them say, you should pass CAFTA and do this for the people of Central America. But the diversity of faith that was represented at the prayer breakfast where the gentleman from North Carolina (Mr. JONES) and I were today reflects so well the depth and breadth of opposition to the Central American Free Trade Agreement among religious leaders in the United States and among religious leaders in the Dominican Republic and in the five Central American countries.

We have seen this opposition continue to grow and grow and grow. Workers, small business owners, ranchers, family farmers, Democrats, Republicans, House and Senate Members, Central American legislators, and dozens of Republicans and Democrats on the House side, all share a common message asking not that we do not trade with Central America, not that we do not pass a trade agreement with Central America, but that we defeat this CAFTA and renegotiate a better agreement.

Of course, the faith-based community opposes an agreement that will have devastating effects on millions of worshipers in all seven CAFTA countries, the United States and the six countries in Central America. Abandoned by big corporations and too often abandoned by their own government leaders, the world's poorest people have few to speak on their behalf, with little or no voice of their own.

That is why the church, the synagogue, and the mosque are often the only sources of refuge for millions of workers, millions of poor people. In fact, these religious leaders told us today, these 50 or 60 people of faith who rallied in opposition to this trade agreement that will exploit the poor in Central America and hurt working families and communities in our country, they told us we need a different trade agreement, a trade agreement that will lift up the poor, and a trade agreement that will respect workers in the United States of America.

Mr. Speaker, when the world's poorest people can buy American products and not just make them, then we will know, finally, that our trade policies are working.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

(Mr. OTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GUTKNECHT. I ask unanimous consent that I be able to speak out of order.

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

There was no objection.

HONORING A TRUE AMERICAN HERO: CHIEF WARRANT OFFICER COREY JAMES GOODNATURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to honor a true American hero.

Chief Warrant Officer Corey J. Goodnature died protecting our freedoms on June 28, 2005 in eastern Afghanistan when his helicopter was shot down by enemy fire during combat operations.

Corey was a quiet man who was dedicated to serving his country and family. He loved being outdoors. He enjoyed hunting and fishing, and he enjoyed all kinds of activities with his boys. Since childhood, he lived up to the family name, carrying a gentle demeanor, yet a very strong presence. Corey was a devoted husband, a loving father, and a dedicated Night Stalker. Corey served his Nation for 14 years, spending 7 of those doing what he particularly loved: flying helicopters with his fellow Night Stalkers and supporting other Special Forces operations.

Corey graduated from the University of Minnesota with an associate's degree in aerospace engineering and joined the Army in 1991. He served as a parachute rigger at the U.S. Army John F. Kennedy Special Warfare Center in Fort Bragg, North Carolina. He attended the warrant officer basic course at Fort Rucker, Alabama. In 1996, he was assigned to Camp Wheeler in Hawaii. He served in a number of regiments around the country and around the world.

Corey's awards and decorations include the Air Medal, the Senior Army Aviation Badge, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal,

the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, and the Overseas Service Ribbon. He was posthumously awarded the Purple Heart and the Meritorious Service Medal, the Bronze Star, an Air Medal With Valor device, and the Combat Action Badge.

Corey Goodnature was survived by his wife, Lori; his sons, Shea and Brennan; and his parents, Deb and Don Goodnature of Clarks Grove, Minnesota. He had many friends and relatives throughout my district in southern Minnesota.

Mr. Speaker, Corey died doing something that he deeply believed in, and he is a true hero to our Nation, to his family, and to his friends. We are all grateful for Corey's undeniable dedication and sacrifice, as well as those who he served with and died with. This dedication allows all of us to enjoy the freedoms and liberty of this great Nation. The world has suffered a great loss. We lost a great man; and his friends and relatives lost a son, a husband, a father, brother, uncle, Godfather, and loyal friend.

Less than 2 weeks before he died and exactly 1 month before he was buried, Corey sent a simple prayer to his wife, a prayer that I am honored to share with my colleagues today. He wrote: ''Lord, continue to bless Lori and help us to grow and strengthen our bond as a family separated by distance, whether it be me, here, Lori by herself, or Shea and Brennan, wherever life takes them. I believe You have a glorious plan for us, and we honor You as the source of our happiness and success. In Your name we pray, Amen.''

May the Lord of our fathers find His mercy upon Lori and all of the friends and relatives of Corey Goodnature. May He continue to bless America and all the brave Americans who defend her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

POLITICAL SCANDAL PLAGUES OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as those listening might recall, the 2004 Presidential election was decided in Ohio, my home State, and the margin in the Presidential race was razor thin. But if you have been paying attention to Ohio newspapers of late, you know that there is a broad and widening major political scandal in Ohio that relates to the last election. People who have paid attention to Ohio or live in Ohio can read about it on the Web site of our local newspaper; the toledoblade.com is the site.

But what this concerns is that the highest elected officials in Ohio, starting with the Governor of Ohio, the Attorney General of Ohio, the auditor of Ohio, the Secretary of State of Ohio, were all in receipt of campaign contributions from an individual who is now charged with diverting millions of dollars from the State of Ohio's Workers' Compensation trust fund for personal use and for political use. There is a grand jury that has been empaneled in Ohio now involving the northern and southern districts of Ohio, looking at the diversion of some of these dollars to the Bush campaign. It is a broad and widening scandal, as I have said.

Then, today, the Secretary of State of Ohio is mentioned in articles that were published by the Cleveland Plain Dealer and by the Columbus Dispatch in our capital city, and I will just read a couple of the lines: The Board of Elections of our capital city, and that, of course, is Columbus, Ohio, the Franklin County Board docked its executive director a month's pay for accepting $10,000 in his office last year from a consultant from the voting machine company Diebold, with which we have had so many fights over the last 2 years, trying to get verified, auditable paper trails in those voting machines.

Now, it appears that that company, through its consultant, actually walked into the office of the director of the Board of Elections and wrote a check for $10,000, which the director of the board was a little reluctant to accept, but said, well, why don't you write it out to the local political party, the Republican Party of Columbus Ohio, Franklin County, which was done.

Well, now, this has been all discovered, and the investigation of what has transpired with the Secretary of State's office and Diebold and this County Board of Elections is being investigated.

One of our State senators from Ohio, Senator Teresa Fedor, has sent a letter to the Office of the United States Attorney in northern Ohio requesting a formal investigation of Ohio Secretary of State Kenneth Blackwell regarding possible violations of Federal law, including, but not limited to, the Hobbs Act, regarding improper dealings between the Secretary of State's office and Diebold Election Systems, or their agents.

She goes on, and I will place the full letter in the RECORD, to ask the Inspector General to look at a series of conflict of interest questions here and the gravity of pay-to-play allegations, to determine whether Mr. Blackwell, the Secretary of State, violated Federal law by accepting campaign contributions in exchange for official acts. Because, Mr. Speaker, if you look at what has been happening in Ohio, there has absolutely been a preference for the Diebold machines; there have been delays, there have been all kinds of efforts made to advantage one company over other companies.

I want to place some of these news articles in the RECORD tonight. Also, there is a huge court case pending between a company called ESS, which is another company that has voting machines, and Diebold Corporation. That is in the courts. Our Secretary of State is saying, oh, you have to pick these machines, you have to pick the Diebold machines; they are the only machines that we have certified without giving other machines an equal chance.

What is interesting about this is that Ohio has received $136,552,794 over the last 2 years to purchase these machines, so there is Federal taxpayer dollars involved, and another $44,616,967 for training of election officials. None of those training dollars have been spent, but $136 million has gone out for hardware in a very narrow process where one company has been so very advantaged.

So I just wanted to draw people's attention to what is going on in the State of Ohio, to the ongoing court case, to the false deadlines set by our Secretary of State, now by the investigation that has been requested by our very high-ranking senators of the U.S. Attorney in Ohio, and I commend listeners to the toledoblade.com Web site to the developing political scandal in the State of Ohio.

[From the Blade Columbus Bureau, July 19, 2005]

ELECTIONS CHIEF PUNISHED FOR TAKING CHECK

FRANKLIN COUNTY OFFICIAL ACCEPTED $10,000 ON BEHALF OF GOP FROM DIEBOLD CONSULTANT

(By Jim Provance)

COLUMBUS.—The Franklin County Board of Elections yesterday docked its executive director a month's pay for accepting a 10,000 check in his office last year from a Diebold Inc. consultant seeking county business.

Matt Damschroder accepted the check on behalf of the county Republican Party.

He came forward after a Diebold competitor, Nebraska-based Election Systems & Software, sought to depose him as part of a lawsuit alleging special treatment for Diebold on the part of Ohio Secretary of State Kenneth Blackwell.

Mr. Blackwell plans to seek the GOP nomination for governor in 2006.

His office denied any connection between campaign contributions and his decisions affecting Diebold.

Diebold's device has the only computerized touch-screen machine so far to win state certificatlon for its paper-receipt backup system.

Such a system was mandated last year by the Ohio General Assembly.

Franklin County Prosecutor Ron O'Brien had suggested that Mr. Damschroder be fired. He would not confirm yesterday that an investigation was under way.

According to Mr. Damschroder, political consultant Pasquale ''Pat'' Gallina, who works for consultants Celebrezze & Associates, walked uninvited into his office in January, 2004, on the day the board was considering a contract for voter-registration software. He offered to make out a check to him on the spot.

Mr. Damschroder said he instead accepted a ''voluntary'' contribution to the county GOP. A former executive director for the party, Mr. Damschroder accepted the check even though the law prohibits using government property for political business.

''I don't believe I committed a crime,'' he said. ''I think I did something that would best be described as a lapse of judgment and clearly in the gray area . . . The biggest thing I wish I had done was throw the guy out on that day he came in and certainly not have taken physical receipt of the contribution.''

The county has joined the ES&S lawsuit, which seeks to break Diebold's monopoly on touch-screen machines available to counties.

Celebrezze & Associates is on a monthly retainer for Diebold.

''Any contribution he made was on behalf of Celebrezze & Associates and of his own volition,'' said Diebold spokesman Mike Jacobsen. ''Diebold had no knowledge of any such contribution.

''Diebold does not condone any political contributions made on its behalf, implied or otherwise,'' he said. ''In particular, our company's ethics policy restricts political contributions since June, 2004.''

That policy was, in part, a reaction to a letter authored by Walden O'Dell. chief executive officer of Diebold, Inc., of North Canton, Ohio. In the letter, Mr. O'Dell promised to help deliver Ohio to President George Bush, triggering a firestorm during the presidential election campaign.

The Lucas County Board of Elections has selected Diebold to supply its touch-screen machines. A review of filings with the county elections bureau by the county Republican and Democratic parties revealed no contributions from Mr. Gallina.

In a phone conversation that took place a year after the contribution to the party, Mr. Damschroder said Mr. Gallina bragged that he had been given $50,000 to Blackwell interests and worked with Blackwell campaign adviser Norm Cummings to position Diehold for state business.

''I have never asked, accepted, received, or was offered any money [from Mr. Gallina], period,'' Mr. Cummings said.

Mr. Gallina, of Reynoldsburg, could not be reached for comment, but he told the Associated Press there was no $50,000 contribution for Mr. Blackwell and that the $10,000 to the county party was his own money.

Mr. Gallina has given a total of $8,000 to Mr. Blackwell's campaigns since 1998, according to records filed with the secretary of state. Also in January, 2004, he gave $10,000 to Citizens for Tax Reform, a Blackwell-backed group that unsuccessfully sought to force repeal of a temporary penny-on-the-dollar sales-tax surcharge enacted in 2003.

Blackwell spokesman Carlo LoParo said Mr. Blackwell made several decisions adverse to Diebold, negotiating contracts at first with four manufacturers of touch-screen and optical-scan voting machines to give counties a menu from which to choose.

Later, after lawmakers enacted the requirement for the voter-verified paper audit trail, Mr. Blackwell took all touch-screen devices, including Diebold's, off the table because none had been certified as meeting the new mandate.

Mr. Blackwell later reversed position when Diebold's receipt-equipped machine won federal and state approval.

''It wasn't the secretary of state who forwarded the VVPAT requirement,'' Mr. LoParo said. ''It wasn't the secretary of state who prevented vendors from meeting that requirement. From the beginning, this process has been transparent and fair.''

Sen. Teresa Fedor (D., Toledo) yesterday urged U.S. Attorney Gregory White to investigate Mr. Blackwell's dealing with Diebold.

''We need to get to the bottom of this,'' she said. ''I don't care if it was $50,000 or $5, you're not supposed to be able to buy influence in America.''

Mr. Damschroder said the loss of 30 days' pay will cost him $11,220. William Anthony, Jr., chairman of the Franklin County elections board and that county's Democratic Party, said the board believes there was no criminal intent on Mr. Damschroder's part.

As for Mr. Gallina, Mr. Anthony said, ''If somebody gives you a check for $10,000, I guess they would want something.''

THE OHIO STATE SENATE,
Cleveland, Ohio, June 18, 2005.

GREGORY WHITE, Esq.,
Assistant U.S. Attorney, Office of the U.S. Attorney, Cleveland, Ohio.

DEAR ATTORNEY WHITE: I am contacting you to ask that you be in a formal investigation of Ohio Secretary of State J. Kenneth Blackwell and his cabinet regarding possible violations of the federal law, including, but not limited to, The Hobbs Act, 18 U.S.C. Sec. 1951. Questions have been raised by both The Columbus Dispatch and The Cleveland Plain Dealer regarding possible improper dealings between the Secretary of State's office and Diebold Election Systems and/or their agents.

The Hobbs Act was meant to prohibit corruption by elected officials. As you know, the Act prohibits ''obtaining the property from another, with his consent . . . under color of official right.'' 18 U.S.C. Sec. 1951(b)(2). The United States Supreme Court has held that an elected official violates the Hobbs Act if the ''public official has obtained a payment to which he was not entitled, knowing that the payment was made in return for official acts.'' Evans v. United States, 112 S. Ct. 1881, 1889 (1992). The Court went on to say that ''the offense is completed at the time when the public official receives a payment in return for his agreement to perform specific official acts; fulfillment of the quid pro quo is not an element of the offense.'' Id.

According to Franklin County Board of Elections Executive Director Matthew Damschroeder, officials or agents of Diebold Election Systems, including lobbyist Pasquale Gallina, allegedly made a deal with Secretary of State Blackwell, and/or his associates, that Diebold would receive a substantial or exclusive rights to supply electronic voting machines to the State of Ohio in exchange for a substantial donation to ''Blackwell's political interests.'' If this is, in fact, what happened, it appears to be a clear violation of federal law. Even if no quid pro quo existed, Mr. Gallina's alleged $10,000 payment to ''Citizens for Tax Repeal,'' of which Blackwell is Honorary Chair, raises significant conflict of interest questions.

Because of the gravity of these ''pay-to-play'' allegations, I urge your office to fully investigate to determine whether Mr. Blackwell violated federal law by accepting campaign contributions in exchange for official acts. This immediate investigation is necessary to fully protect the taxpayers of Ohio and the sanctity of government procurement in the State. If these allegations are true, no business in the country can trust that they will have fair dealings with Ohio. Thank you for your attention to this important matter and please do not hesitate to contact me with any questions or concerns you may have.

Sincerely,

TERESA FEDOR,
State Senator, 11th District.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JOE WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, in the last few weeks, once again, there has been no shortage of a man named Mr. Joe Wilson on television. Who is Mr. Joe Wilson? Why would he want to use false claims to attack this Bush administration?

Mr. Joe Wilson endorsed Senator JOHN KERRY in October of 2003. According to media sources, Mr. Joe Wilson contributed $2,000 to the Kerry campaign in the same year. The Boston Globe has reported that Mr. Wilson spoke to the Kerry campaign at least once a week during the campaign.

□ 2215

Well, he himself has even said that he advised the Kerry campaign on foreign policy. So now this Kerry supporter and adviser is on television pointing fingers at the administration he despises.

Now, during my tenure as a judge, credibility of witnesses could usually be judged by seeking to learn if the witness had a bias. Obviously this witness has quite a bias. It has also been reported that he and his wife supported Albert Gore for President against George W. Bush in 2000. The motive for bias seems to deepen.

The press has reported Mr. Joe Wilson was, in fact, the last U.S. diplomat to meet with Saddam Hussein in 1991. He was also the envoy sent to Africa to investigate reports that the Iraqi President had tried to buy nuclear material there. Was it possible he hated President Bush so much that it got in the way of his ability to assess the facts and actions and motives of his old acquaintance, Mr. Saddam Hussein?

Perhaps his intentions were loyal to the security of the United States in 1991, but if that is the case, while serving as an official envoy to Niger, as he claims, it appears he brazenly spoke out publicly against our own administration.

The Senate Intelligence Committee found that Mr. Wilson's report, ''rather than debunking intelligence about purported uranium sales to Iraq, actually

bolstered the case for most intelligence analysis.'' So now it appears that, like his favorite former presidential candidate, Mr. Wilson is flip-flopping.

The typically softspoken Senator PAT ROBERTS, chair of the Senate Select Committee on Intelligence, was harsh in his condemnation. ''Time and again Joe Wilson told anyone who would listen that the President had lied to the American people, that the Vice President had lied and that he had debunked the claim that Iraq was seeking uranium from Africa. Not only did he not debunk the claim he actually give some intelligence analysts even more reason to believe that it may be true.'' ROBERTS went on to say that it was important for the Intelligence Committee to declare that much of what Wilson said had no basis in fact.

Contrary to what he has said publicly, Mr. Wilson's wife, a CIA employee, did recommend him to serve as envoy in 2002.

It appears obvious that neither Mr. Wilson nor his wife had conducted themselves properly in the best interest of this country. Why would a former ambassador privately report inaccurate facts about Iraqi officials potential dealings with business men in Niger? Why would his wife float his name to serve as envoy on this trip if they wanted to stay out of the public eye?

I have come to know people after they retired from being covert agents of the government. It seems that the best covert agents are the kind of people who go into a room, and when you look around that room, you do not notice them. They blend in. They keep their names off lists so they do not make contributions, especially to political figures. They keep a low profile. They certainly avoid having their picture put in popular magazines. It really appears that the Wilsons' disdain for this administration will likely go down as one of the greats in history. But they have been so blinded to something we would call the truth.

Some of our colleagues across the aisle and Senate Democrats down the hall have embraced this man on little credibility in efforts to harm this administration that is determined to protect us from evil men with evil motivations desiring to destroy our way of life. Their rhetoric is based on two news stories—both of which appear to exonerate Rove.

The facts are simple:

Joe Wilson said the Vice President sent him to Niger and that his report was shown to the Vice President.

The Senate Select Committee on Intelligence confirmed that Rove was right and Wilson was wrong: The Vice President didn't send Wilson anywhere.

Karl Rove then discouraged a reporter from writing a false story that was based on a false premise promulgated by a lying or blindly prejudiced Mr. Joe Wilson.

The main questions now on the matter should be what else has Joe Wilson lied about and why is anyone putting him on television?

Perhaps if recommending a blindly prejudiced man to go to Niger to do critical research for our country is any indication as to Mr. Wilson's wife's judgment, then maybe it is a good thing she has not been trying to be covert for several years.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has agreed to without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 202. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

H. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 544. An act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

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

S. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. SCHIFF).

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

There was no objection.

31ST ANNIVERSARY OF TURKEY'S ILLEGAL OCCUPATION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, yesterday July 20 marked the 31st anniversary of an illegal and inexcusable act by Turkey. Thirty-one years ago yesterday Turkish military forces illegally invaded Cyprus, forcing nearly 200,000 Greek Cypriots from their homes. And these Greek Cypriots became refugees in their own country and have remained refugees for the past 3 decades.

Mr. Speaker, the U.N. Security Council resolved in both 1974 and 1975 that the Turkish occupiers had to facilitate the safe return of all refugees to their homes. For 31 years, Turkish-Cypriot leader Rauf Denktash has defiantly refused to abide by these U.N. resolutions.

Furthermore, in December of 1996 the European Court of Human Rights ruled that refugee Titina Loizidou be given access to her property in the occupied territory. And once again this court ruling was met with defiance from the Turkish occupiers.

After waiting for 2 years for Turkey to comply, Loizidou then went back to the European Court again and this time asking that the Turkish government compensate her for the property. The European Court ruled the Turkish government should pay Loizidou 458,000 Cyprus pounds. And it has now been 7 years and the Turkish government still refuses to comply.

Mr. Speaker, Turkey's intransigence is unacceptable and must come to an end. Earlier this year I joined the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from New York (Mrs. MALONEY), the co-chairs of the Congressional Caucus on Hellenic Issues, in introducing legislation that would put this House on record in support of the European Court's decisions and expressing our desire that the Court hear more cases regarding illegal seizures of Cypriot property by the Turkish Cypriot regime. Turkey's refusal to comply with these court decisions should not go unnoticed by this House, and that is why it is important that we pass this important resolution.

Mr. Speaker, Cypriot-Americans are among the refugees that are being denied access to their property by Turkey. Since these Americans cannot return to their illegally seized property, I believe these Cypriot-Americans should be allowed to seek financial remedies with either the current inhabitants of their land or the Turkish government itself.

So earlier this year I introduced the bipartisan American Owned Property in Occupied Cyprus claims Act. The legislation authorizes the President to initiate a claims program under which the claims of U.S. nationals who Turkey has excluded from their property can be judged before the Foreign Claims Settlement Commission. If this commission determined that Cypriot-Americans should be compensated for their property, negotiations would then take place between the United States and Turkey to determine the proper compensation. My legislation would also empower U.S. District courts to hear causes of action against either the individuals who now occupy those properties or the Turkish government.

Passage of this legislation is particularly crucial today as reports show sharp increases in the number of unlawful investments of occupied properties and a construction boom on land

that continues to be owned by approximately 170,000 Greek-Cypriots, many of whom are now U.S. citizens. The source of this disturbing trend is the decision of the Turkish occupation regime to permit current possessors of property to transfer such property to third parties. And today there is a mistaken impression among buyers of such properties that unlawful investments in occupied territories will be safeguarded in the future.

As a result, a secondary market involving transactions in legal properties has arisen, as illegal occupiers of the land have begun to sell their alleged ownership to third parties, including corporations and Europeans.

Now, Mr. Speaker, these actions only exacerbate the difficult property issues that must be addressed before the Cyprus issue can be solved. And it is important that in looking at this conflict, both the United States and the United Nations do not forget Turkey's 30-year defiance of U.N. court decisions relating to the illegal seizure of property. Some 200,000 refugees have waited 31 years to either return to their homes or to receive proper compensation. And, Mr. Speaker, it is my hope that direct negotiations will begin again soon, and that we can finally end Turkey's 31-year illegal occupation of Cyprus.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. POE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Georgia (Mr. NORWOOD).

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

There was no objection.

RICHARD REID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, as a former criminal court judge, I always thought it was necessary and important at sentencing to let the defendant know and the victim know what society thought of the criminal behavior. I know the gentleman from Texas (Mr. GOHMERT) who is here and the gentleman from Texas (Mr. CARTER) also did the same thing when they sentenced individuals.

Judge William Young of the United States District Court sentenced the so-called shoe bomber who took a shoe and made a bomb out of it and got on an airplane. He sentenced this terrorist and did a similar thing, letting the defendant know what society thought of his criminal behavior.

Prior to sentencing, as all judges do, Judge Young asked Richard Reid if he had anything to say. First he admitted his guilt and then, for the record, he pledged his allegiance to Osama bin Laden, to Islam and to the religion of Allah, and defiantly stated in open court, ''I think I will not apologize for my actions,'' and told the Court, ''I am at war with this country.''

Judge Young then delivered the following statement. ''Mr. Richard Reid, hearken now to the sentence the Court imposes on you. Court has found you guilty of all crimes committed and sentences you to first, 3 life sentences, 4, 20 year sentences stacked, which means that is 80 years, 1 30-year sentence and one $2 million.'' He also ordered restitution to the victim and to American Airlines.

Then he told the defendant the following: The life sentences are real life sentences, so I need to go no further. These are fair and just sentences. It is a righteous sentence. Let me explain to you this, Mr. Reid. We are not afraid of you or any of your terrorist co-conspirators. We are Americans. We have been through the fire before. Here in court we deal with individuals as individuals and care for individuals as individuals. As human beings we reach out for justice.

You are not an enemy combatant. You are a terrorist. You are not a soldier in any war. You are just a terrorist. To give you that reference, to call you a soldier gives you far too much stature in this court. If you think you are a soldier, you are not. You are just a terrorist. And we do not negotiate with terrorists. We do not meet with terrorists. We do not sign documents with terrorists. We hunt them down one by one and bring them to justice.

You are a big fellow now but you are not that big. You are no warrior. I have known warriors. You are just a terrorist, a species of criminal that is guilty of multiple murders or attempted murders. In a very real sense, State Trooper Santiago had it right when you were first taken off that plane and into custody and you wondered where the press was and where the TV cameras were and he said to you, you are no big deal.

Well, sir, you are no big deal. I have listened respectfully to what you have had to say and I ask you to search in your heart and ask yourself what sort of hate led you to do what you are guilty of and that you admit to being guilty of doing. And I have an answer for you. It may not satisfy you, but as far as I am concerned, in this entire record it comes as close to understanding as I know.

It seems to me you hate the one thing that is most precious to me and to our country. You hate freedom. You hate our freedom, our individual freedom, our individual freedom to live as we choose, to come as we go, to believe or not to believe. And here in this society the very wind carries freedom. It carries it everywhere from sea to shining sea and even across the seas. It is because we prize individual freedom so much that you are here in this beautiful courtroom. So that everyone can see, truly see that justice is administered fairly, individually and discretely. It is for freedom's sake that your lawyers are striving so vigorously on your behalf and have filed these appeals.

We Americans are all about freedom. Because we all know that this is the way we treat you, Mr. Reid, it is the measure of our own liberties. Make no mistake though. It is yet true that we bear any burden, pay any price to preserve our freedoms. Look around this courtroom. Mark it well. The world is not going to long remember what you or I say here. Day after tomorrow it will be forgotten, but this however will long endure. Here in this courtroom and courtrooms all across America the American people will gather to see that justice, individual justice, not war, individual justice is in fact being done. The very President of the United States, through his officers will have to come into the courtrooms and lay out evidence on which specific matters can be judged and juries of citizens will gather and judge all individuals.

And finally, Mr. Reid, you see that flag? That is the flag of the United States of America. That flag will fly there long after this is all forgotten. That flag stands for freedom. It stands for justice. It always has, it always will.

Mr. Officer, that has the defendant in custody, take him away.

Judge Young, you are to be commended for such words.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. EMANUEL).

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

There was no objection.

THE DEFINITION OF A PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the definition of a patriot is someone who

proudly supports and defends his or her country and its way of life. Today we patriots rose to vote against this bill because we want to defend the American way of life. The way to do that is to restore some of the civil liberties taken away during the panic after 9/11.

□ 2230

Freedom in America does not mean granting the government unlimited and unchecked powers to snoop into private lives without any counterbalance. Yet 4 years ago, we were presented with a massive bill in the middle of the night. Fear governed and government suspended basic American freedoms guaranteed by the Constitution. A sunset provision was the only thing that kept our American way of life from sunsetting.

Today we need to reclaim liberty and freedom and rename this act the Act of Patriotism. We can defend liberty without destroying freedom. We can make America safer without making America afraid. We can shoulder the burden of security without falling under the yoke of oppression. We cannot and we must not be afraid any longer.

We were afraid not long ago, and it set America on a terrible course where we willingly suspended the rule of law to be governed by the rule of fear: be afraid; be very afraid. And we were. We feared so much that in the PATRIOT Act we embraced national secrecy instead of national security. We granted broad sweeping powers to the government and removed the checks and balances that have made Americans free for 200 years.

At a time like this with the stakes so high, we should look back on history and learn. America has faced grave threats and perilous times before. We did so by defending American values, not by dismantling American principles.

At a time like this we should recall and heed the words expressed by our Founders. The geniuses who envisioned a Nation of free people, free expression and freedom knew that the hard work for America was not in crafting liberty, but in preserving it. What they wrote 200 years ago sounds like it was penned and delivered in this Chamber on this very day. Just listen:

''But a Constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever.'' Those are the words of John Adams in a letter on July 17, 1775.

Another quote: ''However weak my country may be, I hope we shall never sacrifice our liberties.'' Alexander Hamilton wrote that on December 13, 1790.

And another quote: ''Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are the only safe depositories.'' Thomas Jefferson was the author in 1781.

You cannot get any advice any better than that written by people who risked torture and death to pursue liberty.

We have our marching orders, and we could not be any clearer. We cannot let fear govern who we are and what we stand for. We cannot let fear become the 28th amendment to the United States Constitution. Yet, that is precisely the grave danger facing America today.

The signs are everywhere. Without your knowledge, investigators can search your home or your office, copy records and photographs. Without your knowledge, the government can look at your medical records as if an x-ray will reveal your political ideology.

Without your knowledge, the government can access your library records and listen to roving wiretaps. And the threshold for all of this is unseen and unknown. A nameless, faceless person somewhere in the government can decide you are suspicious. The color of your skin or the accent of your voice could tip the scales.

They say no. But we do not know. How could we know? Everything is secret.

This climate of fear has produced arrogance which has led to an inevitable abuse of power. So a Republican committee chairman thinks nothing of turning off the microphones as if freedom of speech is governed by an off and on switch, as if liberty and justice for all is controlled by one man banging his gavel.

We have gone too far, and it is time to trade in fear and embrace fearlessness because that is what America is. We have gone too far, and it is time to restrain government because in this country the people rule and history teaches that absolute power corrupts absolutely.

We have gone too far, and it is time to stop fear-mongering and start protecting liberty. We do not need to destroy America's founding principles in order to defeat America's latest enemy. Do not let fear rule America and distort it into a country we do not even recognize.

Four years ago we put sunset provisions in the PATRIOT Act. It is time to put them back in and restore the checks and balances that keep America free.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

(Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PATRIOT ACT PROTECTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to control the time on the leadership hour here tonight.

As you know, and I hope a lot of America knows, last week and this week we have been through some intense debates on the PATRIOT Act. Last week as a member of the Committee on the Judiciary, I sat in on a 12-hour mark-up and some 40 amendments that came from the minority party. We hammered out a bill from the Committee on the Judiciary that we brought to the floor of this Congress here today for a long debate. And in this long debate we saw bipartisan support, a number of constructive amendments from both sides, and a bipartisan vote of 257 to 171.

We passed the PATRIOT Act off the floor of this House of Representatives and will send it over to the Senate for their consideration and deliberations and a conference committee to resolve any differences we might have. We will bring it back to each Chamber so we can extend the PATRIOT Act and preserve the safety and liberty of the American people.

Mr. Speaker, I cannot help but comment on the remarks that were made by the gentleman from Washington (Mr. MCDERMOTT) who spoke just ahead of me and the allegation that the Republican committee chairman can think nothing of turning off the lights and shutting off the debate in the Committee on the Judiciary.

I was there that day and I am there every day hopefully standing up to defend the Constitution and fighting for freedom and fighting for the safety of the American people.

I will tell you that the gentleman from Wisconsin (Chairman SENSENBRENNER) runs that committee as good as any chairman I have served under or with in any level of government, be it in the State government or here in Congress. He announces the rules. He lives by the rules. He enforces the rules on us and on himself. When the time is up, the time is up and the gavel comes down and we move on to give another

individual an opportunity to speak on the issue.

If it was run any other way, we would not have that kind of an even-handedness that we have on the Committee on the Judiciary. And the day that was addressed by the gentleman from Washington (Mr. MCDERMOTT) was a day that had all Democrat witnesses. It was a hearing that was requested by them. They all signed a document demanding the hearing. Some of them that signed the letter did not show up, but we did; and we listened to the testimony all day long. The chairman followed the rules and when the hearing was over, the gavel came down. The committee hearing was adjourned and the microphones were shut off and the lights were shut off.

And I can tell you the gavel has come down on me. My microphone had been shut off. The lights have been shut off while I am standing there talking in the room. We follow the rules for Republicans and Democrats alike. I never felt an ounce of offense at that. I thought it was even handed, it was well balanced; and I think that the minority party is looking for something to, I will say, criticize and attack the most effective Members in this Congress.

We have this opportunity tonight to review what we have done with the PATRIOT Act and help clarify some of the murky issues that have been, I will say, demagogued here on the PATRIOT Act and our debate on the floor and also in committee. And there are a number of Members that are here tonight that know that there is more to be said. And hopefully when we finish this tonight we will put the lid on the PATRIOT Act here in Congress and let the Senate take it up and give it back to the American people as it appropriately ought to be.

To start this off for his perspective, I am honored to be here tonight with a gentleman from Texas (Mr. CARTER) who I always considered my wing man on the Committee on the Judiciary, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank my colleague from Iowa for yielding to me. Mr. Speaker, I too would like to address the comments that were made here just recently in this House just briefly.

We keep hearing this tirade that there is someone that is taking away liberty, taking away freedom in this country with the PATRIOT Act. And you heard the comments that they can go into all of your records and they do not tell you about it. As if just any old ordinary policeman or FBI agent could go out there with no control whatsoever and search your home, search your records and so forth. And they give that impression to the American public by their statements here tonight.

Nothing could be further from the truth. And they know that nothing could be further from the truth because they sat through the 12-hour hearing that was held in the Committee on the Judiciary. They examined every one of these various sections that we have gone through tonight in heavy detail, and they know that there certainly are provisions where somebody oversees whether there is, in fact, probable cause for a search warrant to be issued. A judge makes that decision. That is the same judge that makes the decision in every case of a search warrant in the history of the United States. This is how we do search warrants. And he makes that decision.

What they are trying to make an inference on is they have this thing they call a sneak-and-peek warrant that they have entitled it. And they say that so it sounds like I said the other night, like we are talking about some kind of Peeping Tom.

That is not it at all. This is a device that has been used in criminal justice for many, many years. It is very simple, Mr. Speaker. This is not complex stuff. I will give you an example.

We have a warrant that says that in a drug case there is a suspicion that there is a methamphetamine speed lab in a certain building, and they have someone who gives them good evidence to that effect. They present it to the judge. He finds there is probable cause to believe there is a speed lab and stored drugs in the certain location. He sets out specifically in that warrant what exactly they are to go look for. And they go and they look, and sure enough there is a speed lab in that building. Sure enough there are drugs and the ingredients for making more drugs in that building. But they also discover there is no one there. And what are we trying to do here?

We are trying to get these drugs off the street, and we are trying to catch the people that are poisoning our children. And that is what the criminal justice system is trying to do in that case. And so they back off. They back off and they watch and they wait, so the perpetrators, and hopefully from top to bottom, from the mules that deliver it to the king pins that finance it, are somehow connected with that lab. And when they have gathered that evidence as a result of this look at this building maybe in a day, maybe a little longer, they come in and they seize them on the premises. They have the evidence, and they get convictions from top to bottom and get this vermin off the streets of America.

Now, if we use this to get the vermin off the streets of America that are doing drugs and poisoning our children, why in the world would we not use that same tool to get the enemies of America who are embedded, in many instances, in our country off the street and keep them from killing innocent American citizens?

Mr. Speaker, there is nothing more vile on Earth than the terrorists, absolutely nothing. They have no credibility in any way, form, or fashion because they are not human beings enough to fight a real fight with somebody that can fight back. You never see these terrorists out there trying to get in a knock down drag out punch out one-on-one with anybody. They hide and sneak and skulk up and down alleys and plant bombs and kill innocent human beings who they do not even know or care about. And they kill them by the hundreds and occasionally, like in the World Trade Center, by the thousands.

Just today, praise God, a faulty bomb did not go off entirely in Great Britain. We are still waiting to find out the damage that was done. Again, Great Britain, the United Kingdom, has been attacked by these terrorists.

Mr. Speaker, what is wrong with the picture that I have just painted to fight these terrorists? I say there is nothing wrong with it. It has been a procedure used by the law forever. And yet we hear from someone that it paints the picture as if somebody is totally walking all over people's rights without any warrant.

You never heard him say, they get a warrant to go in and look at your records. They get a warrant and go in and look at your premises. You did not hear that spoken from the other side here tonight. So the American public gets deceived into thinking that there are police officers and law enforcement officers walking all over their rights. That is not the case. It is the same way we always have handled it. We have a search warrant.

□ 2245

It just infuriates me, having worked in the courts for 20 years, for people to step up and make statements that hide the real truth of the matter with regard to the procedures we use in our courts. I am proud to have been a judge for 20 years. I am proud of the American judicial system. I am proud of the law enforcement officers that every day put their lives in harm's way. I am proud of the lawyers fighting terror in this country right now. Just like our soldiers in Iraq and Afghanistan, those brave men and women that put their lives on the line, our law enforcement officers put their lives on the line, too, fighting these horrible vermin right here in our country. I am offended, and I think we should all be really suspicious of someone who gives us only a partial truth and not the whole story.

I would be glad to have anybody look at my library records. Who cares what is in your library records? But you do care when you find out that terrorists go to libraries because they believe, sometimes truly and sometimes falsely, that if they get on a computer at a library that every day they clean the hard drive of that computer. They know if they seize their computer back home they might be able to find out they were talking to al Qaeda and to their operatives overseas. But if they go to the public library and use that computer and it gets erased every day, who is going to know?

Well, I tell you who is going to know. The law enforcement officer that executes that warrant and examines that hard drive to find out that they were doing that. They should not be able to hide in one of our greatest institutions, a public library. Benjamin Franklin, one of the founders of this country, gave us the concept of the public library in the United States. Why should our enemies think they can hide in a public library on a computer or in the stacks reading their bomb manuals and we cannot find out about it, especially when we have gone through the proper ordinary procedures that every court goes through to be able to seek those records.

And, in fact, there are more procedures in the PATRIOT Act protecting those records than there would be if you went to a grand jury and got a grand jury subpoena to get the exact same information. So let us not have partial stories told here in this House tonight. Let us have the whole story. And the whole story is we have taken and given to the intelligence community and those who are defending us from terrorists the same tools we have given to law enforcement over the years to protect us from the vermin that would destroy us from within. Now we can use it against our enemies from without who are hiding within our country to protect the American citizens so that people can get up and go to work in the morning and raise their children and go to the park at night and not be afraid that some creep is going to blow up the means of transportation that they are on.

That, Mr. Speaker, is what a patriot in this country ought to be concerned about. That is what I think we have done here tonight. We have reaffirmed the tools of the war against terror within the United States and given our law enforcement officers weapons just like those rifles that our soldiers are carrying in Afghanistan that will protect our freedom.

We should never be ashamed for what we did here today. We should be proud. And I am proud that a bipartisan effort passed through this House of Representatives. I think that we can count the numbers and we will see that that is the truth, as the gentleman from Iowa (Mr. KING) said.

Mr. Speaker, I thank my colleague for allowing me to have a chance to stand up here for just a few minutes. I do want to point out one more thing before I stop. I served on that Committee on the Judiciary for 2 years, and I served side-by-side with my colleague here, the gentleman from Iowa. In fact, we were partners right there at each other's elbow. I can tell you that the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) runs a perfectly tight ship in his committee. When he says the rules are going to be abided by, they are abided by.

I will also say this. I will defy anybody to check the record. He never gave a member of the Republican matter one extra second in their time limit, but he constantly gave extra time to the minority. And almost every day I served on that committee, they would ask for additional time and he granted it. I personally have asked for additional time on that committee and he did not allow me to have that additional time. I think his reason is clear. We are the majority. We know the rules. We should get our job done within the time limit. And I respected him for it.

But the facts are, they have had advantages in that committee and they are in here crying like we did not treat them fairly. Mr. Speaker, that is not true.

I had better calm down here and thank my friend from Iowa and give him the opportunity to talk for a while, and I thank my colleagues for being patient with me.

Mr. KING of Iowa. Mr. Speaker, I appreciate the presentation of the gentleman from Texas here tonight and his service here in the Congress. In the time we have served together on the committee I came to know the gentleman's ability, and the way that the gentleman has spoken to the issue of Chairman SENSENBRENNER and how he handles that committee, the gentleman and I share that belief and respect for the way he has handled it.

We have a PATRIOT Act that has passed the floor of this Congress tonight because of the way it has been handled through that committee. And it will protect Americans for a long, long time to come.

Mr. CARTER. It is, and it is something we should be very proud of, and I am personally proud and I know the gentleman is too.

Mr. KING of Iowa. I certainly am.

I want to move along in this discussion and celebrate this accomplishment here today and look forward to a future where we have more confidence in our security and safety and the ability to ferret out these terrorists before they hit us. That is the key to the PATRIOT Act. Not to just put resources in place to clean up the disaster, but preempting the disaster and being there to cuts it off before it happens.

One of the people, Mr. Speaker, who has worked with some of the disasters, worked with health care and the safety of the people, and a gentleman who also handled the PATRIOT Act with regard to the Committee on Rules, a professional absolutely in his own right, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Iowa and it is indeed a pleasure to be spending a little of the time with him this evening.

Of course, the gentlemen that are on the Committee on the Judiciary and those who have been in the justice system and the judiciary, the gentleman from Texas (Mr. CARTER), my good friend who just spoke, they understand this PATRIOT Act I think far better, Mr. Speaker, than most of the Members of this body, certainly than this Member, this physician Member. But as the gentleman from Iowa pointed out, I did have the opportunity today as a member of the Committee on Rules to carry the rule on this reauthorization of the PATRIOT Act.

In the hearing before the Committee on Rules Members had an opportunity to come before the committee, just as they did in the markup during the Committee on the Judiciary hearings, that were so fairly conducted by Chairman SENSENBRENNER. And the same thing basically, Mr. Speaker, occurred under the leadership of my chairman, the gentleman from California (Mr. DREIER). It was a fair and balanced hearing. There were some 47 amendments that were requested. About half of them were granted with an opportunity to be discussed on this floor. Five were Democrat amendments and six amendments were cosponsored by Republican and Democrat. So it was a very bipartisan rule, and I think the essence of fairness.

Mr. Speaker, I would just mention one in particular, and that amendment this evening was approved before we finally had our final vote and approved the reauthorization of the PATRIOT Act in an overwhelming fashion, and that was the Flake-Schiff amendment, No. 59, that basically states that the director of the FBI must personally approve any library or book store request for records by the FBI under section 215.

Section 215 is exactly what the gentleman from Texas (Mr. CARTER) was just talking about, this ability to look at business records. I do not know how this became known as the library provision, but in fact no United States citizen since the PATRIOT Act was enacted has had their library records looked at. My colleague from Texas pointed out the importance, however, of being able to do that when you are dealing with a potential terrorist. And the Flake-Schiff amendment makes that even tighter, such that the director of the FBI must personally approve any library or book store request for records by the FBI under section 215.

Earlier this evening, before we started this special order hour, during the 5-minute special orders, Mr. Speaker, we heard the gentleman from Washington say that in the PATRIOT Act we have replaced the rule of law with the rule of fear. I have heard other Members on the other side of the aisle say in one of the amendments, in fact, Mr. Speaker, on the motion to recommit with instructions it was said, well, let us go back and let us have a sunset on all of these provisions so that in 4 years we can go back to the norm.

Well, my colleagues, I want to tell you right now, from the standpoint of this Member, I like the new norm. I do not want to go back to the old norm. I do not think we can afford to ever do that in this country. We are in a different world and we have got to deal with these terrorists.

We have heard the other side talk about, well, let us put more money behind homeland security, and we need to make sure that we check every train and every bus and every bit of cargo at every port in this country. I am all for that, whatever we can afford to do, but the point is, as we know from what just happened again today in London, you cannot stop these people at that point. You have to get to them before they get to that point. That is what the PATRIOT Act is all about. And it is not, Mr. Speaker, giving up our personal civil liberties to protect our citizens.

I think that we have struck a fair balance, and I commend the Members on both sides of the aisle on the Committee on the Judiciary that worked through the chairman and ranking member. The same thing with the Permanent Select Committee on Intelligence that worked through this bill. They are heroes. And I think today we came together in a bipartisan fashion and we reauthorized an act that has taken us almost 4 years to finalize.

And the proof is in the pudding. They have not struck us in this country yet. I feel very good about this bill, and I do not think we have sacrificed anybody's freedoms. Maybe inconvenienced people, yes. I am willing to put up with some inconveniences for the safety of my children and my grandchildren, and I think everybody in this chamber should feel that way. And most of us today.

Mr. Speaker, I wish to thank again the gentleman from Iowa for bringing this special order tonight in such a timely fashion, on the day we did reauthorize the PATRIOT Act, as amended, and it will, hopefully, take us many more years before we have anything like what happened to us on 9/11. And so with that, I yield back to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for his wise words, and I would like to associate myself with those remarks, particularly with the philosophy that we have a new norm; that we will not be going back to an old norm. The old norm allowed for a wall of separation between intelligence and prosecution, and that may have been the wall of separation that allowed the September 11 terrorists to attack us.

So the PATRIOT Act has removed that wall and allowed for that cooperation and that sharing of information and records, and I believe that has been part of the reason why we have not had a terrorist attack in this country since September 11. This reauthorization that took place in this Congress today, and hopefully will make its way to the President's desk fairly soon, is an authorization for the new norm, the norm where we will be with our intelligence people, with our FBI, and using our resources far more wisely than we were before.

But, Mr. Speaker, not a single piece of the PATRIOT Act allows the law enforcement people to access any data or information or anyone's private records in any fashion with more latitude than exists already in a criminal investigation prior to the passage of the PATRIOT Act. It is true today that there are more protections in the PATRIOT Act for civil liberties than there are for criminal investigations on the domestic side. It will stay that way, and in fact we have even expanded those protections.

Mr. Speaker, joining us tonight is the gentlewoman from Tennessee (Mrs. BLACKBURN), who has brought a real talent to this Congress and someone who I really enjoy working with and look up to and admire for the energy she brings to this task. Mr. Speaker, I yield such to her for her comments tonight.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Iowa. He has done such a wonderful job on the Committee on the Judiciary. I had the opportunity to serve with him on that committee last Congress, and I appreciate his wisdom, his expertise, and just his common sense way of approaching legislation.

So often he will say that he was out on his tractor thinking about this, that, or the other, and let me tell you what I think. I think there are many of my constituents in Tennessee that certainly relate to how he goes about that thinking process, and we appreciate that.

□ 2300

Mr. Speaker, we did pass the PATRIOT Act today and reauthorize that. We did this with bipartisan support. I would remind the body this is one in a continuing string of items of legislation that have been passed with bipartisan support in this body. Whether it be bankruptcy reform or extension of the death tax, the energy bill or the highway bill, I could go on and on. Supplemental budget, the REAL ID Act, we have done it with bipartisan support.

I think there is a reason that the minority votes with the leadership of this House and the majority on our agenda, and it is because the leadership of this House is in touch with what the American people think, what is on their mind, what they are focusing on.

One of the things that we know that they are focusing on is security, whether it be moral security or economic security or health care security or homeland security; and our focus today has been on homeland security.

The gentleman from Iowa (Mr. KING) is right, today with bipartisan support we reauthorized the PATRIOT Act. We did it with good reason. We did it because it is a cornerstone and an important part of fighting and winning the war on terror. And winning is something we have to be certain we do.

Now, there are a couple of points that I did want to make, and I appreciate the gentleman yielding me this time. We heard quite a bit of bravado today about abuses, and we have a poster here. The PATRIOT Act, section 223 of the PATRIOT Act allows individuals to sue the Federal Government for money damages if a Federal official discloses sensitive information without authorization. Number of lawsuits filed against the government: zero. And the source on this is the Department of Justice.

One of my colleagues earlier said let us look at the PATRIOT Act by the numbers. This is a pretty important piece to remember. This is there for a reason, and it is important.

Here are some more PATRIOT Act facts by the numbers. One of the things that I would like to call attention to is the third point. Since the attacks on 9/11, the people arrested by the Department of Justice as a result of international terrorism investigations, 395; convictions, 212. This is so important for us to keep in mind because this shows the PATRIOT Act is working. There is a reason for this. There is a reason that we have that.

The gentleman from Iowa (Mr. KING) has talked about, and the gentleman from Texas talked about, the libraries and the importance of having access to the library records. The other night as we were discussing the PATRIOT Act, we talked about you had to have a court order. It is not just the ability to go in and say let me look at So-and-So's records. There is a process. It is the same process which has been in place for years. When we were looking at drug kings and racketeering, our Federal agents would use those powers at that point, always going to a judge, always receiving that permission.

But we know and we have had testimony given that some of the suspected 9/11 hijackers actually went in and used public libraries. We do not want our public libraries to become safe havens for terrorists. Those are the reasons for those provisions.

All in all the PATRIOT Act is one of those items that will add to achieving the security that we want here in our homes, in our communities, in our schools, in our public places and gathering places. It is another tool that can be used by our intelligence community, our defense community, and our law enforcement community to be certain they gather information and have the ability to share information that is necessary to keep this Nation safe.

I again thank the members of the Committee on the Judiciary, and I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for the excellent work that was done on this bill, bringing it to the floor; and I thank the members who voted and supported and worked in a bipartisan manner to see this finished today.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN).

A number of other subjects pop to mind as I listened to the gentlewoman from Tennessee. One of them is with sunsets. That has been a subject matter here in this debate and throughout

the markup last week, that is, the argument that we should sunset the PATRIOT Act so we force hearings so we can have legitimate oversight, and that oversight comes back on a regular basis.

The argument against that is we have had 3½ years of demagoguery on the PATRIOT Act and not a single lawsuit has been filed, even though there is a special provision, section 223 of the code, that provides for a person to seek redress of damages if they have been violated by the PATRIOT Act. Not a single lawsuit has been filed.

Section 215, looking into bookstore records and library records and the computer records in the public library, that major subject matter that has been brought before our national discussion board and on the Web for now several years, not a single time has the PATRIOT Act been used to look in bookstores or library records. But we want to preserve the ability to do that with law enforcement investigations. We know that the 9/11 terrorists did use the libraries, and we know that one of the optimum drop points for spies and surveillance and intelligence work is a library. You can write a note, put it in a certain page in a library book, put the book back on the shelf, and walk out of the library. That is the drop. And the pickup is the person that comes behind, knows the name of the book and picks up that information.

We must maintain that ability to look into libraries and bookstores, and we must also maintain appropriate government oversight responsibility. We preserved a couple of sunsets in the PATRIOT Act; but the fact remains, if the majority or minority party determines that they want to have hearings, if they are hearing complaints from their constituents, if there are complaints that are being filed or lawsuits being filed, we can call for hearings at any time, whether majority or minority, and get those hearings and get that public oversight and make the appropriate changes. I accept that. It is our responsibility to do.

One of the other points is the NSL, the national security letter. The argument is that could be used without appropriate oversight. In fact, the national security letter does not allow any FBI officer to read any documents and search into any telephone records or financial records except for the fact that it lets them look at the record of the records, the record of potential financial records or computer records to see if there is a pattern. If the pattern is there, then they have to go forward to get the warrant; and that warrant under the PATRIOT Act has a higher standard than under a criminal investigation.

That covers some of the things that have been an issue. We have quite a group of people here tonight. I am feeling a little out of place. I have a judge on my right, a judge on my left, and a judge behind me. When I look at these three judges, if I were actually King, I would appoint them all to the Supreme Court; but since I cannot, I yield to the gentleman from Texas (Mr. GOHMERT) for his remarks.

Mr. GOHMERT. Mr. Speaker, if the gentleman does not mind, I would like to have a dialogue. I would like to have a ''quadolog'' with our other colleagues here. I think we could have a good discussion because something good happened today. It was not just today; it was not just the hours and hours we spent on debate on this issue today. It was not just the 12 hours that we had during markup, or the hearings. I thought it was 11, the chairman said we had 12 hearings. I knew it was a lot. Or the dozens of witnesses we had on the PATRIOT Act, the oversight, the review of what needed to be.

□ 2310

But I do not now how it struck the gentlemen, but I think most of them were in here when the gentleman from Washington (Mr. MCDERMOTT) was making a floor speech just earlier tonight and he made the comment that we need to stop fear mongering. He told us to stop fear mongering. I do not know what news he is watching, but I do not think we have to say anything about fear. We are trying to fear, like that fine President Roosevelt did, ''nothing to fear but fear itself,'' but we do have to deal with people who do want to destroy us. And the news even this very day shows what demagoguery that is, to tell us to stop fear mongering when we have terrorists bent on our destruction, they are blowing up the subways, trying to blow up subways. In London those people have done a great job of resilience and trying to stand tall and firm through these crises. And we could have an attack tomorrow. I know the gentleman from Washington is on the Committee on the Judiciary with me at the current time. I do not know if my colleagues had a chance to go by and look at the top secret documents. I have had people say, Well, I would tell you, but I would have to kill you. They told me that if I told anybody that did not have the clearance then they would kill me for telling somebody else.

So, anyway, we cannot go into that stuff, but we can say that we know they have stopped terrorists by use of the PATRIOT Act. It has been used to keep Americans alive. That is not fear mongering. That is looking at the facts and just calling it like it is.

And I would like to point out, with all the mess that gets thrown into the air, there has been bipartisan debate. There has been rigorous debate. There are people on the other side of the aisle with whom I disagree. The gentleman from Massachusetts (Mr. DELAHUNT) and I have had some rigorous discussions, debate. He has never lied to me, and he has been very honest and forthcoming. I voted for one of his amendments today, and the gentleman from California (Mr. BERMAN), one of his amendments today. And the truth is on the PATRIOT Act, there were six Democrat amendments that we took up today. Five of them passed. I do not know about my colleagues here, but I voted for five of them. I thought they were good amendments. There was one person that surprised me. Normally that particular Democratic congressman does not have all that good amendments and had a good one today. One of the things I like about being a Republican is the freedom we have. We can read the amendments, we can determine whether it is a good idea or not, and vote for it.

So I did not know the gentleman's feelings, but he had to notice there was bipartisan support and the Republicans were open to good ideas.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I appreciate the gentleman's remarks on this. And I have read some of those records associated with the PATRIOT Act investigations. And, in fact, I read some of those records throughout an investigation I am somewhat familiar with, and if we read through that carefully with the idea of what this would have been like without the payment PATRIOT Act, what would we have had for information? I think with many of those investigations, it would easy to make the case that we would have had a disaster at the other end rather than an arrest and prosecution at the other end of that. So to preempt this is what we need to be doing, and I am absolutely all for that.

I cannot resist marking that the individual that accused us of fear mongering is also the individual that went to Iraq and surrendered before we liberated the Iraqis and the individual who refused to put his hand over his heart when he led Pledge of Allegiance here one morning to open the House Chamber for the day. So I would put that only within that contest. I do not what drives that kind of thought process.

I am very proud of the patriots we have in this Congress, and they are on both sides of the aisle. They just seem to be in a bigger number over here where we have the majority at the present time.

Mr. GOHMERT. Mr. Speaker, if the gentleman would continue to yield, being a Republican has allowed me to take issue with people I have deep respect for.

On this very Patriot Act, I have had some severe concerns. I am grateful that we had Democratic and Republican amendments that fixed the concerns that I was concerned about. And I believe with the sunset provisions we have, which of course it is a little bit different than what the Senate came out; so there will be some debate. There will be some give and take, but we will sunset provisions coming out of conference.

But through this process I talked personally with the Attorney General. He contacted me, Alberto Gonzales. I have great respect for him. He had been

on our Supreme Court there in Texas. He is a good man and he works for a great President. We have had frank discussions. There were things we disagreed on. I have talked with the Assistant Attorney General, the Deputy Attorney General. I talked to the White House legislative liaison on these issues. We have been able to have a great debate, and we have come to a meeting of the minds on most of the things we disagreed about.

But I tell my colleagues I appreciate the freedom we have had to work on this because it is not about Democrats or Republicans. We are talking about the future of the United States of America, and I appreciate the dedication and the massive debates we have had on this.

And sometimes it scares me the way we make laws and we see each other running through the halls to try to get back to another hearing and vote on some issues. But we have done something good for America. And there is always room for improvement. There are always things we can do better. I do not know about my colleagues, but to talk about not doing or our job with oversight, as long as I am on the Committee on the Judiciary, we are going to do keep doing oversight. That is our job. We are going to do it.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I think the gentleman has brought out an important point here. And that is that this debate was envisioned to produce a product that brought view points in from each side and a properly functioning legislative process. Whether it be a city council or county supervisors or the State legislature or the United States Congress, we have an open debate and we put our ideas out there, and as the ideas get debated, the amendments are offered. Some are successful and some are defeated and some are negotiated. And, in fact, we negotiated the sunset to be a 10-year sunset. Some people thought it ought to be considerably sooner than that. Some thought we ought to split the difference out to a 4 or 5 year. Some people thought we should not have sunsets, and I was actually among those. And yet the negotiation came down to a 10-year sunset. That was a compromise that would get the ball moving down the field, and that is what we resolved on that particular issue. But when we reach that static position when each side makes their case in a legitimate open debate and we arrive at that center position that we can all live with, then we move forward. And that is something that has been classic in the reauthorization of the PATRIOT Act, and that has been how the debate has brought us all together to the middle so that we could have this bipartisan vote of 257 votes here to reauthorize the PATRIOT Act.

Mr. GOHMERT. Mr. Speaker, will the gentleman further yield?

Mr. KING of Iowa. I yield to the gentleman from Texas.

Mr. GOHMERT. Mr. Speaker, I think it is interesting here when we look at this to note: Since the attacks of 9/11, the number of individuals arrested by the Department of Justice as a result of international terrorism investigations, 395. That is 395 that there was probable cause to believe were trying to do us harm, trying to destroy our way of life, and some of those have been very recent. And the PATRIOT Act, as the gentleman has said, wow, what a help to find these people before they kill fine innocent Americans.

The number of those individuals convicted, we are not talking about indicted and we are not talking about probable cause. We are talking about beyond a reasonable doubt. Two hundred and twelve of them have already been convicted. And the former judges here with us, they know that probably some of those that were convicted were because some of the others that were arrested and charged turned evidence and helped them out on those convictions.

So it is doing its job. We may have another attack tomorrow. But thank God it will not be because we did not give the law enforcement and the intelligence community what they needed to try to protect us.

And one thing I would like to add about that too. We know historically that evil people try to destroy good wholesome ways of life. They just do. Evil is around in the world. But thank God. Over the years there have been dark ages, there have been periods when people have been subverted and put into real terrible situations .

□ 2320

We have seen it even in the present day. But I thank God I live in a country where we are determined not to let that happen here, not now, not on our watch.

Mr. KING of Iowa. Mr. Speaker, I am happy to yield to another judge from Texas, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate the gentleman from Iowa yielding, and I appreciate his passion for the Constitution. The gentleman is very familiar with that sacred document and the history of the document, and the gentleman, as he does always, carries a copy of it in his pocket in case somebody wants to read it. As a former judge, I appreciate the fact that the gentleman is beholden to the Constitution.

I was just counting up the years of judicial service between the gentleman from Texas (Mr. GOHMERT) and the gentleman from Texas (Mr. CARTER) and myself. The three of us have been on the bench with over 50 years of judicial experience.

Having served in Houston for over 22 years, I tried only criminal cases. I tried about 25,000 felony cases, numerous death penalty cases, and they were all criminal cases. I say that because the PATRIOT Act deals with crime, it deals with international terrorists. As judges, we dealt with local terrorists.

The Constitution is that sacred document that we have always been sworn to uphold. I think my record, as well as these two judges' records, speaks pretty clearly that we are strong law-and-order judges, if we can use that phrase. People that were convicted in my court, they were held to a high standard and there were consequences for those actions. Some of them are serving long sentences even tonight.

But also I, too, am a very strong supporter of the Constitution, especially the Bill of Rights. Some people think that a former law-and-order judge or a law-and-order judge is not a person who supports the Constitution. That is just not true. The first 10 amendments, the Bill of Rights, make us really a unique type of country because we show the worth of the individual.

The PATRIOT Act, some have been concerned about the allegations in the PATRIOT Act, whether or not it puts a dent in those Bill of Rights. I have studied the document, including the amendments tonight that were passed. I think all of those amendments and the document itself proves a point, that in this country we can have civil rights, individual liberty, and we can have security. We can have both.

History has always shown that people, all people throughout the world, were willing to give up freedom in the name of security, democratic countries and non-democratic countries. But in this country, we, through the PATRIOT Act, are continuing to show we can have both, we can have security and we can have civil liberties.

The PATRIOT Act does support that. I do not believe there has been one provision of the PATRIOT Act that has gone to court for judicial review that has been found unconstitutional. I think that is worth noting, that not one section has been found unconstitutional.

The PATRIOT Act calls for judicial review, as all of our laws should call for judicial review, and to make sure that judges throughout the land review the action of law enforcement. That is the standard of conduct in this country, it always has been and it always will be. The PATRIOT Act supports that.

So I am quite a supporter of the PATRIOT Act, especially as it has passed the House, as the gentleman from Iowa (Mr. KING) says, with bipartisan support. It is something that is necessary.

There has been a lot of scare tactics that have been used and rhetoric about the PATRIOT Act, but the bottom line is the people who commit crimes against us need to fear the rule of law, need to fear the consequences for violating our safety and our freedom.

In this country we do have a lot of freedom, but yet we take a lot of precautions. Most folks tonight are doing the same thing before they went into their homes. Wherever they are in the United States, they probably locked the doors. They probably put chains on the front door and deadbolts. Some

people sleep with bars on their windows. We do that because of crime, of local criminals, outlaws and terrorists. That is a way that we have chosen to live because of the nature of criminal conduct in this country.

I think the PATRIOT Act is a statement that we are not going to live in fear, we are not going to live in terror, and we are not going to be afraid of those people who threaten us in remote portions of the world and come to try to make us continue to be imprisoned in our own homes, in our actions each day.

So I think this act goes a long way in making sure that we have freedom in this country and that we have liberty in this country and that we have security in this country, to let people know, woe be to you if you choose to commit a crime against the people of the United States, because this act gives law enforcement the ability to track those people down, hunt those people down and bring them to justice. That is really what the Constitution is about.

So I want to thank the gentleman from Iowa for yielding, and I will yield back to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas, and I appreciate the contributions here tonight.

I would like to take us back a little bit and recap what has happened here in the last 3½ going on 4 years, and that is that, yes, we were attacked from within and the vulnerabilities that are inherent in a free society were exploited by people that came here and people who have a hatred for our freedom and a hatred for anyone whom they declare to be a infidel. Their number one and number two targets, preferred targets, are Jews first and Christians second, but western civilization is their main enemy.

That thought process, that cult, that barbarism, is bred around the world in regions where they are taught in madrassas to hate anyone not like them, to kill anyone not like them.

There are something like 16,000 madrassas, hate teaching schools, just in Pakistan alone, and if you look at those schools around Saudi Arabia and if you look at the funding stream that runs around the world, that network is what brought al Qaeda into the United States for that September 11th attack, that network is what attacked London on July 7, and that may be the network that also attacked London today, although we do not have the records in today. It is part of the network that attacked Spain on that March 11 day that changed the political destiny of Spain and caused them to make a decision to pull their troops out of Iraq.

The worldwide war that we are up against, the PATRIOT Act addresses it domestically so that our FBI and our CIA, our domestic investigators and our terrorism investigators will cooperate together.

They will be able to do roving wiretaps in an era when trading cell phones on the run is almost a normal procedure. We do not go back to a landline any longer and go home to make our phone calls. Our phone is with us. Our communication is where we are, and we have to have an act that catches up with technology and allows for roving wiretaps.

We have to be able to look at some financial records and some credit card records and maybe some bookstore and library records to see the pattern. If the pattern justifies a warrant to go in and take a deeper look, then a Federal judge will have to provide that warrant, a higher standard than if it were a regular criminal investigation.

We need all of these tools to preempt the terrorist attacks on us in this country, and those tools so far have been part of the reason why we have not been attacked again. Many of us believe though that those attacks are inevitable, and I am one of those people, and I think they will be worse next time. I think we need all of these tools and more.

By looking around the world also, the President's doctrine, the Bush doctrine that he laid out several weeks after the September 11, 2001, attacks, that the media just caught up with after he gave his second inaugural address here last January, the Bush doctrine of promoting freedom and liberty around the world, is that free people never go to war against never free people. That would be consistent with the history of this country.

So in Iraq and in Afghanistan we have created the habitat for freedom, and the Afghanis have gone to the polls and voted and the Iraqis have gone to the polls and voted and helped select their leaders and are directed their national destiny and established a climate and culture where there is a growing desire for freedom.

If that freedom can continue to take root, and if that freedom can be contagious across the Arab world, from Afghanistan to Iraq and Saudi Arabia and Egypt and Syria and Jordan and the Middle Eastern countries all across the region, if freedom can be manifested there and take root in establishing the fashion that it is here, the way it is with our brothers in Great Britain, then there is a climate there that does not breed terrorists any longer. We will have eliminated the habitat for terror by replacing that habitat of a radical Islamic society with that of freedom and democracy.

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Now, that does not solve all the problems. If that happens, we also know that from the London bombs, that we have second generation terrorists, sons of moderate Muslims that travel and establish themselves within Great Britain, and these children were either born there or naturalized there, but they were taught in a moderate Muslim, peaceful society, and yet they still found their Madrassas in the mosques and they still bought into the culture of death, and they still blew themselves and 56 or so Londoners up and wounded however many others.

These terrorists, these radical Islamists, according to Benazir Bhutto, a former Prime Minister of Pakistan, told me there are not very many, perhaps 10 percent, are sympathetic to al Qaeda, but of about 1.2 or 1.3 billion Muslims in the world, 10 percent is 120 million to 130 million. I call that a lot; not ''not very many,'' but quite a lot of potential either terrorists or terrorist supporters and sympathizers, and we cannot kill them all and we do not want to, but we have to defend ourselves from them.

Mr. Speaker, the Jahadists that are killing Londoners and Americans and Spanish and other Muslims around the world, these terrorist attacks that are taking place, they are parasites that live amongst the host, the Islamists. The terrorists are the parasites; the hosts is Muslim, the Muslim religion. So they feed off of the host, they travel with the host and on the host, they are funded through the host, through the mosques, so they can go anywhere in the world and find themselves a small core, a cell of sympathizers, a sleeper cell, and the network of funding is collected around the world, and the networks of communications and the network of training and where the training camps are all can be fed through the network of the Muslim religion.

I will call upon moderate Islam, if you exist out there, and I believe you do, then cleanse thy selves, rid yourselves of this parasite. We cannot do that for you. We can work with you and we can cooperate with you, but until you do, there will not be peace in this world, there will not be safety in this world, and there will not be an end to this war on terror.

Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank it is worth noting that these people who are bent on our destruction are so consumed with evil and hatred that they would blow up sweet little innocent Iraqi children. They are not just killing Americans, they will kill anybody that stands in their way. And the only thing these people in Iraq, we have met them, we have talked to them, they want to be, they want to live. Yet, they are so consumed with hatred they would blow those innocent people up, Muslims themselves, and they blow them up so treacherously.

I believe that all of us here share the same passion. Mr. Speaker, I do not want people at home in America to think, well, they think they have done it all, now that they have passed the PATRIOT Act. This is an ongoing thing. The price of liberty is eternal vigilance. It is an ongoing battle that we fight here for America.

But another thing that we have to take up is securing our borders. This is one of the tools, securing our borders will be another, and I think the gentleman shares my passion that that is

another thing we have to take up, it is another thing we have to do to protect America. I am proud to stand, to sit, to debate, to be on the same side with the gentleman.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman, His Honor, Judge GOHMERT, and Judge POE from Texas, Judge CARTER from Texas, the gentlewoman from Tennessee, and the gentlewoman from Georgia (Mr. GINGREY), all of us who have participated in this tonight. We have had an opportunity to discuss the PATRIOT Act and kind of put the final frosting on the cake here in the House, I hope, and maybe bring a better and more objective perspective to the PATRIOT Act for the American people, Mr. Speaker.

So we have a long road ahead of us. We will work with the PATRIOT Act to provide the maximum amount of domestic security and will continue the Bush doctrine to eliminate the habitat that breeds terrorists around the world. We are going to ask for the rest of the countries in the world to shut off the funding, shut off the training, shut off the feed mechanism that funds these terrorists. We are going to ask the moderate Islam to purge the parasites from your midst; you are the only ones that can do it. We are going to take a look at our borders, both north and south, and we are going to slow down that human river of about 3 million illegals that poor across there, that huge haystack of humanity that, amongst that 3 million or so, are hundreds and perhaps thousands of terrorists, certainly thousands of criminals that prey upon Americans.

Mr. Speaker, if we can all get that done by the end of the 109th Congress, I am going to take the day off.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today and July 25.

Mr. JONES of North Carolina, for 5 minutes, July 25, 26, 27, and 28.

Mr. NORWOOD, for 5 minutes, July 22.

Mr. GOHMERT, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, July 22.

Mr. CONAWAY, for 5 minutes, July 25.

SENATE BILL REFERRED

A bill of the senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 544. An act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

A BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 19, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 3332. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, July 22, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2943. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Nursery Crop Insurance Provisions (RIN: 0563-AB80) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2944. A letter from the Deputy Commandant for Installations and Logistics, USMC, Department of Defense, transmitting notice of the decision to convert the Transportation Operations and Maintenance Services functions at Marine Corps Base, Camp Lejeune, North Carolina to contractor performance, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2945. A letter from the Acting Secretary of the Air Force, Department of Defense, transmitting notification that the Average Procurement Unit Cost for the Global Hawk System Program exceeds the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2946. A letter from the Deputy Assistant Secretary for Infrastructure Analysis, Department of the Army, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2947. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2948. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2949. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2950. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2951. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2952. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2953. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2954. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2955. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2956. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified

materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2957. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2958. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2959. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2960. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2961. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2962. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2963. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2964. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2965. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

2966. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiologicial waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

2967. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

2968. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2969. A communication from the Director, President of the United States, transmitting a supplemental update of the Budget for the fiscal years 2005 through 2010, pursuant to 31 U.S.C. 1106(a); to the Committee on the Budget.

2970. A letter from the Assistant Deputy Secretary, OII, Department of Education, transmitting the Department's final rule — Innovation for Teacher Quality (RIN: 1855-AA04) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2971. A letter from the Asst. Gen. Counsel, Div. of Regulatory Services, OSDFS, Department of Education, transmitting the Department's final rule — Grants to States to Improve Management of Drug and Violence Prevention Programs —— received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2972. A letter from the Asst. Gen. Counsel, Div. of Regulatory Services, OSDFS, Department of Education, transmitting the Department's final rule — Grants for School-Based Student Drug-Testing Programs —— received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2973. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2004, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

2974. A letter from the Asst. Gen. Counsel for Legislation and Regulatory Law, OPIA, Department of Energy, transmitting the Department's final rule — Guidelines for Voluntary Greenhouse Gas Reporting (RIN: 1901-AB11) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2975. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Vehicles Built in Two or More Stages [Docket No. NHTSA-99-5673] (RIN: 2127-AE27) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2976. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 05-23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2977. A letter from the Director, Internation Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-05 which informs you of our intent to sign a Memorandum of Understanding (MOU) between the United States, Australia, Canada, Finland, Kuwait, Spain, and Switzerland concerning a Cooperative Framework for the F/A-18 Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2978. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially to the Government of Belgium (Transmittal No. DDTC 012-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2979. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense articles or defense services sold commercially to Australia (Transmittal No. DDTC 007-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2980. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendments to the International Traffic in Arms Regulations: Various — received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2981. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination for authorizing the use in fiscal year 2004 and fiscal year 2005 of Economic Support Funds in order to provide support for Middle East Partnership Initiative (MEPI) programming in Libya; to the Committee on International Relations.

2982. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2983. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2984. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 to March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2985. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2986. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2987. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2988. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2989. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2990. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2991. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C.

app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2992. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2993. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2004 annual report on International Mail Costs, Revenues and Volumes, pursuant to 39 U.S.C. 3663(a) Public Law 105–277; to the Committee on Government Reform.

2994. A letter from the Inspector General Liaison, Selective Service System, transmitting the semiannual report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2995. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2996. A letter from the Assistant Secretary, Land and Minerals Management, OSM, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-124-FOR] received May 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2997. A letter from the Special Trustee for American Indians, Department of thie Interior, transmitting the Department's final rule — Deposit of Proceeds from Lands Withdrawn for Native Selection (RIN: 1035-AA04) received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2998. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 061505C] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2999. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 041221358-5065-02; I.D. 121504A] (RIN: 0648-AR56) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3000. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan [Docket No. 050228048-5144-02; I.D. 021705A] (RIN: 0648-AS19) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3001. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; American Samoa Longline Limited Entry Program [Docket No. 040628196-5130-02; I.D. 061704A] (RIN: 0648-AQ92) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3002. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Costal Pelagic Species Fisheries; Annual Specifications [Docket No. 041130335-5154-02; I.D. 112404B] (RIN: 0648-AS17) received July 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3003. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2005 Management Measures [Docket No. 050426117-5117-01; I.D. 042505C] (RIN: 0648-AS58) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3004. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 053105G] (RIN: 0648-AS97) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3005. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery [Docket No. 050302053-5112-02; I.D. 022805C] (RIN: 0648-AS24) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3006. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Oregon Sport Fisheries [Docket No. 050125016-5097-02; I.D. 061605B] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3007. A letter from the Fishery Policy Analyst, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries, Fishing Year 2005 [Docket No. 050304059-5416-02; I.D. 022805D] (RIN: 0648-AS21) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3008. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea [Docket No. 041126332-5039-02; I.D. 061405B] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3009. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 053105G] (RIN: 0648-AS97) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3010. A letter from the Acting Director, Office of Sustainable Fishery, NHFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Deep-Water Grouper Commercial Fishery [I.D. 060705B] received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3011. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures [Docket No. 050228049-5122-02; I.D. 021105C] (RIN: 0648-AT05) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3012. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1 — Adjustment of the Commercial Fisheries from the Cape Falcon, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D. 050405D] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3013. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 051805B] received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3014. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackeral, Squid, and Butterfish Fisheries; Adjustment of the Quarter III Quota Allocation for Loligo Squid [Docket No. 041221358-5065-02; I.D. 062205A] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3015. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No.010319075-1217-02; I.D. 061705A] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3016. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2005 Trip Authorization for Closed Area II Yellowtail Flounder Special Access Program [Docket No. 050314072-5126-02; I.D. 062305E] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3017. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 051105C] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3018. A letter from the Deputy Assistant Administrator for Regualtory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens

Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Haddock Incidental Catch Allowance for the 2005 Atlantic Herring Fishery; Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning; Correction [Docket No. 050629171-5171-01; I.D. 070105A] (RIN: 0648-AT51) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3019. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 15 [Docket No. 050309066-5164-02; I.D. 030105D] (RIN: 0648-AS53) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3020. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program for the Scallop Fishery [Docket No. 050325082-5165-02; I.D. 031705E] (RIN: 0648-AS90) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3021. A letter from the Acting Director, Office of Sustainable Fisheries, MNFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 040830250-5062-03; I.D. 062705B] received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3022. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's fiinal rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands Managment Area [Docket No. 041126332-5039-02; I.D. 062705A] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 062905B] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 062905A] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3025. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2004, pursuant to 10 U.S.C. 7431; jointly to the Committees on Armed Services and Energy and Commerce.

3026. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Physician Referrals to Speciality Hospitals,'' in response to Section 507(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173; jointly to the Committees on Energy and Commerce and Ways and Means.

3027. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101–162, section 609(b); jointly to the Committees on Resources and Appropriations.

3028. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting the 2005 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

3029. A letter from the Secretary, Department of Health and Human Services, transmitting a report, entitled ''The Coordination of Provider Education Activities provided through Medicare Contractors in order to Maximize the Effectiveness of Federal Education for Providers of Services and Suppliers'' in response to Section 921(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173; jointly to the Committees on Ways and Means and Energy and Commerce.

3030. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f–1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

3031. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the report required by Section 7202(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, regarding the establishment of the interagency Human Smuggling and Trafficking Center (HSTC); jointly to the Committees on International Relations, the Judiciary, Homeland Security, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2130. A bill to amend the Marine Mammal Protection Act of 1972 to authorize research programs to better understand and protect marine mammals, and for other purposes (Rept. 109–180). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GINGREY (for himself and Mr. SMITH of Texas):

H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. DELAHUNT):

H.R. 3372. A bill to improve and promote compliance with international intellectual property obligations and to defend United States intellectual property interests from suspension of benefits abroad, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mrs. LOWEY, Mr. TANNER, Mr. WAMP, Mr. SIMMONS, Mr. REYES, Mr. HOLT, Mr. HOLDEN, Mr. SAXTON, Mr. PASCRELL, Mr. LYNCH, Mr. ACKERMAN, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, Mr. EHLERS, Mr. HINCHEY, Mr. MENENDEZ, Mr. DAVIS of Alabama, Mr. SHUSTER, Mr. MCNULTY, Mr. BONNER, Mr. CHANDLER, Mr. HIGGINS, Mr. BERRY, Ms. SCHWARTZ of Pennsylvania, Mr. WALSH, Mr. PLATTS, Mr. ENGEL, Mr. KANJORSKI, Mr. DELAHUNT, Mr. MORAN of Virginia, Mr. MCHUGH, Mr. MCINTYRE, Mr. GRAVES, Mr. PORTER, Mr. GERLACH, Mr. LARSON of Connecticut, Mr. PAUL, Mr. PALLONE, Mr. BOEHLERT, Mr. KILDEE, Mr. CAPUANO, Mr. DENT, Mr. FITZPATRICK of Pennsylvania, and Mr. SMITH of New Jersey):

H.R. 3373. A bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Ms. HOOLEY):

H.R. 3374. A bill to provide for the uniform and timely notification of consumers whose sensitive financial personal information has been placed at risk by a breach of data security, to enhance data security safeguards, to provide appropriate consumer mitigation services, and for other purposes; to the Committee on Financial Services.

By Ms. PRYCE of Ohio (for herself, Mr. CASTLE, and Mr. MOORE of Kansas):

H.R. 3375. A bill to amend the Fair Credit Reporting Act to provide for secure financial data, and for other purposes; to the Committee on Financial Services.

By Mr. THOMAS:

H.R. 3376. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3377. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, and Mr. LIPINSKI):

H.R. 3378. A bill to provide comprehensive reform regarding medical malpractice; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois:

H.R. 3379. A bill to amend part E of title IV of the Social Security Act to promote safe and permanent homes for foster children; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas):

H.R. 3380. A bill to amend part E of title IV of the Social Security Act to provide Federal support and assistance to children living with guardians and kinship caregivers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. MCGOVERN, Mr. LANTOS, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. DEFAZIO, Mr. ROHRABACHER, Mr. PASTOR, Mr. SANDERS, Mr. LARSON of Connecticut, and Mr. MOORE of Kansas):

H.R. 3381. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferee nonimmigrants; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3382. A bill to provide state and local governments with financial assistance that will increase their ability and effectiveness in monitoring convicted sex offenders by developing and implementing a program using global positioning systems to monitor convicted sexual offenders or sexual predators released from confinement; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 3383. A bill to promote commercial aviation service and economic development in the Dallas/Fort Worth region; to the Committee on Transportation and Infrastructure.

By Mr. JINDAL:

H.R. 3384. A bill to make permanent marriage penalty relief; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. MCCRERY, Mr. JEFFERSON, Mr. RAMSTAD, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. SIMMONS, Mr. HONDA, Mr. MCCAUL of Texas, Mr. PAUL, and Mr. GERLACH):

H.R. 3385. A bill to amend the Internal Revenue Code of 1986 to make the credit for prior year minimum tax liability refundable for individuals after a period of years, to require returns with respect to certain stock options, and for other purposes; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3386. A bill to suspend temporarily the duty on certain footwear with open toes or heels; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3387. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3388. A bill to suspend temporarily the duty on certain women's footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3389. A bill to suspend temporarily the duty on certain footwear for girls; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3390. A bill to suspend temporarily the duty on certain protective footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3391. A bill to suspend temporarily the duty on certain athletic footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3392. A bill to suspend temporarily the duty on certain footwear with open toes or heels; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3393. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3394. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3395. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. PETRI, Mr. PAYNE, and Mr. MCDERMOTT):

H.R. 3396. A bill to facilitate lasting peace, democracy, and economic recovery in Somalia; to the Committee on International Relations.

By Mr. SWEENEY:

H.R. 3397. A bill to amend title 49, United States Code, to enhance security at general aviation airports in the United States; to the Committee on Homeland Security.

By Mr. TERRY:

H.R. 3398. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for corporate donations of scientific property and computer technology; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 3399. A bill to amend the Internal Revenue Code of 1986 to make permanent the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 3400. A bill to amend the Internal Revenue Code of 1986 to make permanent the option of including combat pay when computing earned income; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. NORWOOD, Mr. WESTMORELAND, Mr. RADANOVICH, Mr. MCCOTTER, Mr. SCOTT of Georgia, Mr. MILLER of Florida, Mr. SPRATT, Mr. BURTON of Indiana, and Mr. FORTUÑO):

H.R. 3401. A bill to amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377; considered and agreed to.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. STARK, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. THOMPSON of California, Mr. EMANUEL, Mr. WAXMAN, Mr. PALLONE, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. ALLEN, Mr. DAVIS of Florida, Ms. BALDWIN, Ms. PELOSI, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. OBEY, Mr. LANTOS, Mr. SCHIFF, Ms. WATSON, Ms. NORTON, Mr. FARR, Mr. GUTIERREZ, Ms. KAPTUR, Mr. BOUCHER, Mr. ENGEL, Mrs. MALONEY, Mr. PAYNE, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MEEK of Florida, Mr. BERMAN, Ms. MATSUI, Mr. JEFFERSON, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALLARD, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. KILDEE, Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. SKELTON, Mr. CARDIN, Mr. ROSS, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. REYES, Mr. ACKERMAN, Mr. GRIJALVA, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Mr. MEEHAN, Mr. STUPAK, Ms. KILPATRICK of Michigan, Mr. NADLER, Ms. LEE, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. SPRATT, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. ETHERIDGE, Mr. CLEAVER, Mr. RYAN of Ohio, Mr. COSTELLO, Ms. HARMAN, Mr. DICKS, Mr. POMEROY, Mr. TANNER, and Ms. SOLIS):

H. Con. Res. 213. Concurrent resolution expressing the sense of Congress concerning the vital role of Medicare in the health care system of our Nation over the last 40 years; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. GOHMERT):

H. Con. Res. 214. Concurrent resolution revising the concurrent resolution on the budget for fiscal year 2006; to the Committee on the Budget.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. PALLONE, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. ALLEN, Mr. DAVIS of Florida, Ms. BALDWIN, Ms. PELOSI, Mr. RANGEL, Mr. STARK, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. THOMPSON of California, Mr. EMANUEL, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. OBEY, Mr. LANTOS, Mr. SCHIFF, Ms. WATSON, Ms. NORTON, Mr. FARR, Mr. GUTIERREZ, Ms. KAPTUR, Mr. BOUCHER, Mr. ENGEL, Mrs. MALONEY, Mr. PAYNE, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MEEK of Florida, Mr. BERMAN, Ms. MATSUI, Mr. JEFFERSON, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALLARD, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. KILDEE, Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. SKELTON, Mr. CARDIN, Mr. ROSS, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. REYES, Mr. ACKERMAN, Mr. GRIJALVA, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Mr. MEEHAN, Mr. STUPAK, Ms. KILPATRICK of Michigan, Mr. NADLER, Ms. LEE, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. SPRATT, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. ETHERIDGE, Mr. CLEAVER, Mr. RYAN of Ohio, Mr.

COSTELLO, Ms. HARMAN, Mr. DICKS, Ms. SOLIS, and Mr. POMEROY):

H. Con. Res. 215. Concurrent resolution expressing the sense of the Congress with respect to the importance of Medicaid in the health care system of our Nation; to the Committee on Energy and Commerce.

By Mr. KUHL of New York (for himself, Mr. BOEHLERT, Mr. LEWIS of California, Mr. MCCAUL of Texas, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mr. SIMMONS, Mr. GRAVES, Mr. DOOLITTLE, Mr. SHUSTER, Ms. MILLENDER-MCDONALD, Mr. CALVERT, Mr. ADERHOLT, Mr. LEWIS of Georgia, Mr. DUNCAN, Mr. FOSSELLA, Mr. WALSH, Ms. GINNY BROWN-WAITE of Florida, Mr. WESTMORELAND, Mr. SHERWOOD, Mrs. DRAKE, Mr. KIRK, Mr. MANZULLO, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. HOLDEN, Mr. CONAWAY, Mr. CASE, Mr. HIGGINS, Mr. BOUSTANY, Mr. ENGEL, Mrs. KELLY, Mr. JENKINS, Mr. KENNEDY of Minnesota, Mr. SALAZAR, Mr. REYNOLDS, Mr. KING of New York, Mr. SWEENEY, Mr. HALL, Miss MCMORRIS, Mr. POMBO, Mr. EHLERS, Mr. GARRETT of New Jersey, and Ms. CORRINE BROWN of Florida):

H. Res. 374. A resolution recognizing the 75th anniversary of the death of Glenn Hammond Curtiss and supporting the establishment of Glenn Hammond Curtiss Day to recognize his innovative spirit and legacy; to the Committee on Government Reform.

By Ms. LEE (for herself, Mr. CONYERS, Ms. BALDWIN, Mr. CLAY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. EVANS, Mr. FARR, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H. Res. 375. A resolution requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WAXMAN.
H.R. 63: Ms. MOORE of Wisconsin.
H.R. 66: Mr. KENNEDY of Minnesota.
H.R. 97: Mr. BURTON of Indiana and Mr. SHIMKUS.
H.R. 239: Mr. FRANKS of Arizona.
H.R. 314: Mr. ALEXANDER.
H.R. 376: Mr. OBEY.
H.R. 377: Mr. PICKERING and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 389: Mrs. WILSON of New Mexico.
H.R. 500: Mr. CALVERT.
H.R. 503: Mr. RANGEL.
H.R. 515: Mr. JONES of North Carolina.
H.R. 550: Mr. MILLER of North Carolina.
H.R. 557: Mr. COSTA and Mr. GARY G. MILLER of California.
H.R. 602: Ms. BALDWIN.
H.R. 613: Mr. FILNER.
H.R. 752: Mr. LANTOS.
H.R. 758: Mr. CARNAHAN.
H.R. 782: Mr. DOGGETT.
H.R. 827: Mr. WHITFIELD.
H.R. 857: Mr. CAPUANO.
H.R. 865: Ms. SCHWARTZ of Pennsylvania.
H.R. 923: Ms. HART.
H.R. 949: Ms. DELAURO.
H.R. 976: Mr. DAVIS of Illinois.
H.R. 1002: Mr. ROTHMAN.
H.R. 1062: Mr. WELLER, Mr. FORD, Mr. MILLER of Florida, and Mr. CANTOR.
H.R. 1083: Mr. ROGERS of Kentucky and Mr. PETERSON of Minnesota.
H.R. 1098: Mr. DAVIS of Illinois.
H.R. 1175: Ms. BORDALLO and Mr. ABERCROMBIE.
H.R. 1188: Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. HOLDEN.
H.R. 1214: Mr. CUMMINGS.
H.R. 1246: Mr. CLEAVER and Mr. GRAVES.
H.R. 1258: Mr. LANTOS.
H.R. 1264: Mr. VISCLOSKY.
H.R. 1298: Mr. TOWNS.
H.R. 1306: Mr. STRICKLAND, Mr. SHADEGG, Mr. PENCE, Mr. WALDEN of Oregon, Mr. KANJORSKI, and Mr. GERLACH.
H.R. 1338: Mr. MOORE of Kansas.
H.R. 1402: Mr. BERMAN, Ms. HARMAN, Ms. SCHWARTZ of Pennsylvania, Mr. HOLT, Mr. SHAYS, Mr. UPTON, Mr. FERGUSON, Mr. SIMMONS, Mr. SAXTON, Mr. GILCHREST, Mr. MURPHY, Mr. FOLEY, and Mr. ENGLISH of Pennsylvania.
H.R. 1409: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CARSON, Ms. DELAURO, and Mr. ALLEN.
H.R. 1471: Mr. MANZULLO and Mr. BOEHLERT.
H.R. 1506: Ms. SLAUGHTER and Mr. GERLACH.
H.R. 1558: Mr. FRANKS of Arizona.
H.R. 1595: Mr. HINCHEY and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1652: Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. CARDOZA, Mr. KIRK, Ms. BEAN, Mr. CONYERS, Mr. CLEAVER, and Mr. CUMMINGS.
H.R. 1687: Mr. SABO.
H.R. 1707: Mr. CALVERT and Mr. SABO.
H.R. 1714: Mr. CONAWAY.
H.R. 1745: Mr. KIRK and Mr. PASTOR.
H.R. 1789: Mr. MCNULTY and Ms. MCKINNEY.
H.R. 1902: Ms. BALDWIN, Mr. ABERCROMBIE, and Mr. FILNER.
H.R. 1945: Mr. RADANOVICH.
H.R. 1973: Mr. ROTHMAN.
H.R. 2012: Ms. HARMAN and Mr. WEINER.
H.R. 2061: Mr. CUELLAR, Mr. ADERHOLT, Mr. BERRY, and Mr. REHBERG.
H.R. 2074: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2177: Mr. BERMAN.
H.R. 2338: Mr. OTTER.
H.R. 2355: Ms. HART and Mrs. BLACKBURN.
H.R. 2418: Mr. MICHAUD, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. CONAWAY, Mr. STUPAK, Ms. HARMAN, and Mr. BOUCHER.
H.R. 2488: Mr. ENGLISH of Pennsylvania.
H.R. 2498: Mr. CANTOR and Mr. GILCHREST.
H.R. 2533: Mr. GUTKNECHT and Mr. FILNER.
H.R. 2564: Mr. JEFFERSON, Mr. PAUL, and Mr. DAVIS of Illinois.
H.R. 2567: Mr. SIMMONS, Mr. FERGUSON, Mr. ENGLISH of Pennsylvania, and Mr. LAHOOD.
H.R. 2642: Mr. ROSS, Mrs. TAUSCHER, and Mr. GEORGE MILLER of California.
H.R. 2646: Mr. FEENEY.
H.R. 2663: Mr. FATTAH.
H.R. 2682: Mr. LEWIS of Kentucky.
H.R. 2694: Mr. BERRY.
H.R. 2746: Mr. SNYDER, Mr. ROTHMAN, and Ms. ROYBAL-ALLARD.
H.R. 2793: Mr. MCINTYRE and Mr. LANTOS.
H.R. 2794: Mr. BISHOP of Georgia, Mr. SMITH of Washington, Mr. GOODE, and Mr. SKELTON.
H.R. 2803: Mr. BOSWELL, Mr. LEWIS of Kentucky, Ms. ROS-LEHTINEN, Mr. HAYES, Mr. POMBO, Mr. KIRK, Mr. BRADLEY of New Hampshire, Mrs. WILSON of New Mexico, Mr. BOUSTANY, Mr. EHLERS, and Mr. GERLACH.
H.R. 2811: Mr. MARKEY.
H.R. 2869: Mr. BOUCHER and Mr. DAVIS of Alabama.
H.R. 2928: Mr. GONZALEZ and Ms. Matsui.
H.R. 2943: Mr. CASE.
H.R. 2946: Mr. LANTOS.
H.R. 2947: Mr. BISHOP of New York, Ms. ROYBAL-ALLARD, Mr. MEEK of Florida and Ms. HARMAN.
H.R. 2952: Mr. REYES and Mr. BLUMENAUER.
H.R. 2963: Mr. PETERSON of Minnesota.
H.R. 2989: Mr. FITZPATRICK of Pennsylvania.
H.R. 2992: Mr. MCDERMOTT, Mr. BROWN of Ohio, and Mr. FRANK of Massachusetts.
H.R. 3042: Mr. OBERSTAR, Ms. DELAURO, Mr. INSLEE, Mr. STARK, Mr. MCGOVERN Ms. WOOLSEY, Ms. MCCOLLUM of Minnesota, Mr. LANTOS, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.
H.R. 3049: Mrs. BIGGERT.
H.R. 3059: Mr. CARNAHAN.
H.R. 3079: Mr. CALVERT and Mr. FILNER.
H.R. 3080: Mrs. CUBIN, Mr. GOODE, and Mr. REHBERG.
H.R. 3098: Mr. ROGERS of Michigan, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. HOLDEN, and Mr. UDALL of Colorado.
H.R. 3111: Mr. CASE.
H.R. 3127: Mr. CROWLEY, Mr. SENSENBRENNER, Mr. BACHUS, Mr. MCDERMOTT, Ms. LEE, and Ms. WATSON.
H.R. 3146: Mr. CONAWAY, Mr. KUHL of New York, and Mr. CULBERSON.
H.R. 3150: Mr. GARY G. MILLER of California.
H.R. 3186: Mr. MOORE of Kansas and Mr. GILLMOR.
H.R. 3195: Mr. FRANK of Massachusetts, Mr. BERMAN, and Mr. CHANDLER.
H.R. 3205: Mr. BISHOP of Georgia.
H.R. 3256: Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. SHUSTER, Mr. SHERWOOD, Mr. MURTHA, Mr. DOYLE, Mr. DENT, Mr. GERLACH, Mr. PITTS, and Ms. SCHWARTZ of Pennsylvania.
H.R. 3267: Mr. CROWLEY.
H.R. 3312: Mr. MCGOVERN, Mr. MCINTYRE, Mr. CUELLAR, and Mr. PETERSON of Minnesota.
H.R. 3338: Mr. REHBERG and Mr. WALDEN of Oregon.
H.J. Res. 38: Mr. PALLONE.
H. Con. Res. 38: Mr. HOLT.
H. Con. Res. 59: Mr. JONES of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BALDWIN.
H. Con. Res. 85: Mr. SCHIFF.
H. Con. Res. 90: Mr. DOYLE, Mr. ABERCROMBIE, Ms. LEE, Mr. VAN HOLLEN, Mr. LYNCH, Mr. DICKS, Mr. LANGEVIN, Ms. CARSON, and Mr. WEXLER.
H. Con. Res. 125: Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. MURPHY, and Ms. ROS-LEHTINEN.
H. Con. Res. 129: Mr. LEWIS of Kentucky.
H. Con. Res. 133: Mr. MILLER of North Carolina.
H. Con. Res. 195: Mr. DAVIS of Florida, Mr. BROWN of Ohio, Mr. DAVIS of Tennessee, Mrs. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. OLVER, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Ms. WATERS, Mr. PAYNE, Mr. THOMPSON of California, Mr. DEFAZIO, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, Mr. GRIJALVA, Mr. TIERNEY, Mr. BERRY, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mrs. DAVIS of California, Mr. BOEHNER, Mr. KIND, Ms. BALDWIN, Mr. JACKSON of Illinois, Ms. SOLIS, Mr. EVANS, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. HERSETH, Mr. BOREN,

Mr. KILDEE, Mr. RENZI, Mr. THOMPSON of Mississippi, Mr. HONDA, Ms. WATSON, Mr. FILNER, Ms. Matsui, Mr. ISRAEL, Mr. MELANCON, Mr. ROSS, Mr. MOORE of Kansas, Mr. VAN HOLLEN, Mr. STARK, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. CROWLEY, Mr. RAHALL, Mr. ACKERMAN, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. DELAHUNT, Mr. MCGOVERN, Mr. CONYERS, Ms. MCKINNEY, Mr. WEINER, Mr. ENGEL, Mr. FARR, Mr. NADLER, Mr. SHIMKUS, Mr. HINCHEY, Mr. CLAY, Mr. LEWIS of Georgia, Mr. ANDREWS, Mr. MENENDEZ, Ms. WOOLSEY, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHWARTZ of Pennsylvania, Mr. BACA, Ms. VELÁZQUEZ, and Mrs. MCCARTHY.

H. Con. Res. 197: Mr. HOLT.

H. Res. 15: Mr. DENT, Mr. KUHL of New York, Mr. STEARNS, Mr. SENSENBRENNER, Mr. KOLBE, and Mr. BOUSTANY.

H. Res. 31: Mr. CROWLEY.

H. Res. 247: Mr. GALLEGLY, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. CALVERT, Mrs. BONO, Mr. MORAN of Virginia, Mr. THOMAS, Mr. MANZULLO, Mr. COX, Mr. TOM DAVIS of Virginia, Mr. HOEKSTRA, Mr. FALEOMAVAEGA, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. CUELLAR, Mr. PALLONE, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Ms. CARSON, Mr. DREIER, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. WATERS, Ms. MCKINNEY, and Mr. RUSH.

H. Res. 294: Mr. ALLEN, Mr. BACHUS, Mr. BERRY, Mr. BOEHNER, Mr. BOSWELL, Mr. CONAWAY, Mr. COOPER, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mrs. DRAKE, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. LEACH, Mr. MARCHANT, Mr. MATHESON, Mr. MCCAUL of Texas, Mr. OXLEY, Mr. PENCE, Mr. PETRI, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. ROSS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, Mr. TIBERI, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. CHANDLER, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. FOLEY, Mr. FORTENBERRY, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. NEY, Mr. SESSIONS, Mr. SHAYS, Mr. SHERWOOD, Mr. SIMMONS, Mr. WESTMORELAND, Mr. WICKER, Mr. WU, Mr. TANNER, Mr. MICHAUD, Mr. DENT, Mr. LATHAM, Mr. SULLIVAN, Mr. SODREL, and Mr. DUNCAN.

H. Res. 313: Mr. CASE.

H. Res. 323: Mr. LATHAM, Mr. INSLEE, and Mrs. WILSON of New Mexico.

H. Res. 363: Ms. SCHAKOWSKY, Ms. LEE, Mr. SABO, Mr. CUMMINGS, Mr. MEEHAN, Ms. SLAUGHTER, Ms. CARSON, Mr. HINCHEY, Mr. ALLEN, Ms. BERKLEY, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1376: Mr. BOREN.