

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 sign-up 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 recommend 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 gentleman 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-minute 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 gentleman 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 "I" 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 se-

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

NOT VOTING—12

Andrews
Brady (TX)
Brown (SC)
Crowley

□ 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
Biggart
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
Foxy
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
Porter
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
Smith (NJ)
Smith (TX)
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

NOES—196

Green, Al
Green, Gene
Grijalva
Harman
Herseeth
Higgins
Hinchev
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kaptur
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

ANSWERED “PRESENT”—3

Otter Paul Rohrbacher

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 roll-calls 401 and 402.