

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1540, 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. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. GRIFFIN of Arkansas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1380.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1845

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 6 o'clock and 45 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 26, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from

the Secretary of the Senate on May 26, 2011 at 2:50 p.m.:

That the Senate passed S. 1082.

That the Senate agreed to S. Con. Res. 13. Appointments:

Advisory Committee on the Records of Congress.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 26, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2011 at 6:25 p.m.:

That the Senate concur in House amendment with an amendment S. 990.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

REPORT ON H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, 2012

Mr. ADERHOLT, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-91) on the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO S. 990, PATRIOT SUNSETS EXTENSION ACT OF 2011

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-92) on the resolution (H. Res. 281) providing for consideration of the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and further, when the House adjourns on that day, it adjourn to meet at noon on Tuesday, May 31, 2011, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

PATRIOT SUNSETS EXTENSION ACT OF 2011

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 281

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendment to the House amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend from Boulder, Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. DREIER. Mr. Speaker, we have before us a hard-fought compromise for a 4-year extension of the Patriot Act. We know that there are two priority items that need to be addressed here: Number one, ensuring that we do not face another terrorist attack against the United States or our interests; and number two—equally important—to preserve the civil liberties and the constitutional protections that the American people have. This compromise does just that.

□ 1850

We had a 3-month extension, the House Judiciary Committee, and specifically Mr. SENSENBRENNER's subcommittee, had three hearings. We see a bipartisan and bicameral compromise before us, and I urge my colleagues to

support the rule and the underlying legislation.

With that, I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, there has been a major development in the war on terror in the last few weeks with the successful defeat of Osama bin Laden, striking a major blow to al Qaeda. At a time like this, we should reexamine the restoration of our constitutional protections. There's no reason to continually extend these Patriot Act provisions without taking a close look at them.

My colleague from Michigan (Mr. CONYERS) put forward an excellent proposal that's an example of the many thoughtful bipartisan proposals that would improve the Patriot Act, keep the American people safe, and protect our constitutional rights. Unfortunately, discussion of that proposal and debate, and a vote on that proposal, is not allowed under this rule. Therefore, I'm opposed to the rule and the underlying bill.

Mr. Speaker, this bill would specifically reauthorize three provisions: sections 215, 206, and 6001 of the Intelligence Reform and Terrorism Prevention Act.

Section 215 allows the government to capture any tangible thing that might be relevant to a terrorist investigation. That could include medical records, your diary, even what books you've checked out at a library. Now, in the past, these orders were limited to narrow classes of businesses and records, but the Patriot Act has stripped away these basic requirements and continues to violate a basic American principle of privacy.

Section 206, the second provision of the bill, allows the government to conduct roving wiretaps. This allows the government to obtain surveillance warrants that don't specify the person or the object to be tapped. It could be an entire neighborhood. So much for the Fourth Amendment of the Constitution, which states that warrants must specify the person and place to be seized and searched with "particularity." This is to make sure the executive branch doesn't have the unfettered powers that this version of the Patriot Act would continue to give them for 4 years.

The final section that would be reauthorized under this bill, section 6001, deals with the "lone wolf" provision. This allows secret surveillance of non-citizens in the U.S. even if they're not connected to any terrorist group or foreign power. This authority is only granted in secret courts and threatens our understanding of the limits of our own government's investigatory powers within our own country's borders.

Now, we're told that government has never used this power, so I ask my colleagues, why should we reauthorize? If it hasn't even been used, shouldn't it be allowed to expire, particularly in light of our recent successes in the war

on terror and the defeat of Osama bin Laden?

My friends on the other side of the aisle say they're worried about the growth of the government. Yet in spite of the rhetoric, this bill grows government and takes away privacy and respect for our private lives. This is the type of government intrusion which the Bill of Rights was designed to prevent.

The provisions in the Patriot Act continue to be an affront to our most basic liberties as American citizens. I urge anyone who's worried about the unchecked growth of the State to think twice about this bill, perhaps look at a short-term extension, and have a real discussion of restoring the balance between individual rights and security. I urge a "no" vote on the rule and the underlying bill.

I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say that this is a hard-fought compromise. This is a 4-year extension. We've had exhaustive hearings on this issue. We need to ensure our security, number one, and we also need to ensure our civil liberties, and I believe that this measure does just that. It passed the Senate by a vote of 72-23. I urge my colleagues to support the rule and the underlying legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 281, I call up the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment.

The text of the Senate amendment to the House amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "PATRIOT Sunsets Extension Act of 2011".

SEC. 2. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

MOTION TO CONCUR

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

The Clerk read as follows:

Mr. Smith of Texas moves that the House concur in the Senate amendment to the House amendment to S. 990.

The SPEAKER pro tempore. Pursuant to House Resolution 281, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 990.

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

There was no objection.

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

Mr. Speaker, 4 months from now, America will mark the 10-year anniversary of the worst terrorist attack in U.S. history. Tonight at midnight, three national security provisions that have helped prevent another 9/11 attack will expire. Congress must do its job and approve this legislation to reauthorize them before time runs out.

Some argue that since we haven't had a major terrorist attack since September 11, we no longer need these laws. Others argue that the death of Osama bin Laden brought an end to al Qaeda and the war on terror, but both of these claims lack merit.

The Patriot Act provisions continue to play a vital role in America's counterterrorism efforts not only to prevent another large-scale attack but also to combat an increasing number of smaller terrorist plots.

Earlier this year, a 20-year-old student from Saudi Arabia was arrested in my home State of Texas for attempting to use weapons of mass destruction. Khalid Aldawsari attempted to purchase chemicals to construct a bomb against targets including the Dallas residence of former President George W. Bush, several dams in Colorado and California, and the homes of three former military guards who served in Iraq. Information obtained through a section 215 business records order was essential in thwarting this plot.

Make no mistake, the threat from terrorists and spies is real. These provisions are vital to our intelligence investigations, and they are effective.

□ 1900

We also have heard repeatedly from the Obama administration about the critical importance of extending these laws. S. 990, the Patriot Sunsets Extension Act of 2011, is a bipartisan, bicameral compromise to reauthorize the existing Patriot Act provisions for another 4 years. By doing so, Congress is ensuring that critical intelligence will be collected and terrorist plots will be disrupted.

In February, Congress approved a 90-day extension of these provisions. During the last 3 months, the House Judiciary Committee has thoroughly reviewed the Patriot Act and how its provisions are used in national security investigations. The Crime Subcommittee has held three hearings specifically on the Patriot Act, the full committee held oversight hearings of the FBI and the Department of Justice, and all committee members were provided a classified briefing by the administration. Attorney General Eric Holder told the committee that he supports these provisions and encouraged Congress to reauthorize them for as long of a period of time as possible.

The roving wiretap provision allows intelligence officials, after receiving approval from a Federal court, to conduct surveillance on terrorist suspects, regardless of how many communication devices they may use. We know terrorists use many forms of communication to conceal their plots, including disposable cell phones and free email accounts. Roving wiretaps are nothing new. Domestic law enforcement agencies have had roving wiretaps for criminal investigations since 1986. If we can use roving wiretaps to track down a drug trafficker, why shouldn't we also use it to prevent a terrorist attack?

The business records provision allows the FBI to access third-party business records in foreign intelligence, international terrorism, and espionage cases. Again, this provision requires the approval of a Federal judge. That means the FBI must prove to a Federal judge that the documents are needed as part of a legitimate national security investigation. These two provisions have been effectively used for the last 10 years without any evidence of misuse or abuse.

Our national security laws allow intelligence gathering on foreign governments, terrorist groups, and their agents. But what about a foreign terrorist who either acts alone or cannot be immediately tied to a terrorist organization? The lone wolf definition simply brings our national security laws into the 21st century to allow our intelligence officials to answer the modern-day terrorist threat.

Since 9/11, we have seen terrorist tactics change. In addition to coordinated attacks by al Qaeda and other groups, we face the threat of self-radicalized terrorists who are motivated by al Qaeda but may not be directly affiliated with such groups. The lone wolf

definition ensures that our laws cover rogue terrorists even if they aren't a card-carrying member of al Qaeda or another terrorist organization.

The terrorist threat will not sunset at midnight and neither should our national security laws. The Patriot Act is an integral part of our offensive against terrorists and has proved effective at keeping Americans safe from terrorist attacks.

Mr. Speaker, I urge my colleagues to support this reauthorization.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in opposition to this extension of the three expiring provisions of the USA PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act. When we last considered these expiring provisions, it was to extend them temporarily so that the House could review them and consider whether to improve them or allow them to expire. Many Members on both sides of the aisle objected to extending these provisions without so much as a hearing or an opportunity to debate changes to the law. In fact, the extension was rejected the first time with the votes of both Democrats and Republicans.

Since that debate, Chairman SENSENBRENNER did in fact hold a series of hearings in which members of the Judiciary Committee were able to consider the issues and hear from many thoughtful experts who were able to make helpful suggestions. These three provisions dealing with roving wiretap authority, expansion of the definition of an agent of a foreign power to include so-called lone wolves, and section 215, which allows the government to obtain business and library records using an order from the Foreign Intelligence Surveillance Court instead of the normal methods have aroused a great deal of controversy and concern, and rightly so.

Section 215 authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the thing pertains to suspected terrorists or terrorist activities. Section 215 is sweeping in its scope, and the government is not required to show reasonable suspicion or probable cause before undertaking an investigation that infringes upon a person's privacy. Congress should either ensure that things collected with this power have a meaningful nexus to suspected terrorist activity or should allow this provision to expire.

Section 206 provides for roving wiretaps, which permit the government to obtain intelligence surveillance orders that identify neither the person to be tapped nor the facility to be tapped. There is virtually no particularity required. This seems a clear violation of the Fourth Amendment. There are almost no limits on this authority and no requirement that the government name a specific target, either a person or a location.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called lone wolf provision, permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign government or organization. According to government testimony, this provision has never been used; yet we are told it is vital that it remain on the books.

Surveillance of an individual who concededly is not working with a foreign government or with a terrorist organization is not normally what we understand as foreign intelligence. There may be many good reasons for government to keep tabs on such an individual, but there is no reason to suspend all our normal laws under the pretext that this is a foreign intelligence operation.

We are now told we must simply punt for a few years. No need, we have been told, to consider any of the many improvements that many Members believe are important. No need, in fact, even to have a debate or a vote on those changes. It's another "my way or the highway" vote. That is no way to protect our Nation from terrorism while protecting our fundamental liberties from government intrusion.

I realize that the Republican majority has the votes to extend these expiring authorities, but I am proud to stand with my colleagues of both parties in opposition to the flippant and reckless way in which our liberties are being treated today.

I urge my colleagues to reject this dangerous legislation and demand that the House have a serious debate on the important issues impacted by this legislation affecting our security and our liberty.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

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

I rise today to support a 7-day extension, which means I believe that we can fix these problems. And I am disappointed that we again, having been given the responsibility of oversight, now rush for a two-page document, a two-page document that is now the essence of the Patriot Act, which in fact will provide some challenge to the civil liberties of all Americans. I highlight just one or two.

The business records applies to citizens and noncitizens alike, where law enforcement or government authorities can come and take items, no matter what their relevance, if they think that they might have some relevance to terrorism. Any tangible thing. Restaurants, where you are going to a restaurant. They can ask for what you ate. A hotel, your records. Libraries, your records.

Why couldn't we do this with a 7-day review time? Extend it for 7 days today and allow us from New Hampshire to Texas to California to be able to say that we stand with our soldiers in securing the Nation, but we also believe in civil liberties.

Let me remind my colleagues, 9/11 and the terrorists that we were shocked that could find their way to lift off and not take off, that was a question of not connecting the dots. Not that we didn't have the information; we didn't connect the dots of information that were sitting on the desks of an agent in the Midwest and information that was somewhere else. Intelligence, getting information, analyzing it is part of securing the homeland, not violating the rights of Americans.

So here we go again. Business records with no restraint, not adding the civil liberties and oversight provisions that were found in JOHN CONYERS' legislation, the ranking member on Judiciary, and as well the chairman of the Judiciary Committee in the Senate, Senator LEAHY.

What is the rush to protect those who are in fact citizens of the United States—what is the rush not to protect them? Support a 7-day extension. Don't vote for legislation that violates the civil liberties of Americans.

As a member of the Homeland Security Committee, I understand the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. I appreciate the need to ensure that the law enforcement and intelligence communities are equipped with the tools necessary to carry out investigations. And with certain improvements to protect individuals' privacy rights and civil liberties, I believe the PATRIOT Act can continue to achieve that goal.

However, as members of Congress, we have the role of oversight, and I am deeply concerned when our Constitutional rights run the risk of being infringed upon, even if it is in the name of national security.

This bill would extend three provisions of the USA PATRIOT Act, commonly known as the business records, lone wolf, and John Doe roving wiretap provisions, for four years to June 1, 2015, with no changes, alterations, or considerations of the constant concerns about privacy rights and civil liberties.

This bill is reflective of a deal between Senate Leadership and Republican House Leadership, however, it does not contain any of the considerations and meaningful improvements which were included Senator LEAHY's version of the PATRIOT Act Sunset extension bill that passed the Senate Judiciary Committee with bipartisan support and the backing of the intelligence community. It makes no improvements to the PATRIOT Act. It includes no new protections for privacy. It requires no reporting to Congress.

Nor does this bill take into account any of the meaningful improvements or additions which were included in H.R. 1805, Representative CONYERS' House counterpart to Senator LEAHY's Senate Bill.

The proposals introduced by Senator LEAHY and Representative CONYERS make meaningful improvements to the PATRIOT Act and related authorities, and have the support of the Obama Administration and the intelligence community.

They reauthorize the Business Records, Lone Wolf, and Roving Wiretaps provisions for two and a half years—until December 2013—allowing for greater Congressional oversight,

which was the original intent of Congress when it originally included sunsets in these provisions. For the first time, a sunset was included on the use of National Security Letters. Finally, it moves the sunset on the FISA Amendments Act from the end of 2012 to 2013 so that all these inter-related surveillance authorities can be considered together in a non-election year to avoid reconsideration in the midst of a politicized environment.

This proposal modifies the standard for obtaining a FISA court order to obtain business records by eliminating the overbroad presumption of relevance in these cases, and requires the Government to provide a written statement of the facts and circumstances that justify the applicant's belief that the tangible things sought are relevant. Furthermore, these bills contain additional protections for bookseller or library records.

Additionally, these proposals would have made a number of changes to NSL practices and procedures, in response to the numerous abuses of this tool, including clarifying the standards for including a gag order, significantly improving the process for challenging gag orders, and adding a factual basis requirement.

Furthermore, the Leahy and Conyers bill would have eased the concerns of many Americans by enhancing public reporting and requiring audits.

The bill before us now, which was rushed through at the final hour despite multiple extensions, includes none of the thoughtful enhancements and improvements which have been carefully considered and crafted over the past several months. It ignores the results of countless oversight hearings, legislative hearings, and committee markups. It completely ignores the concerns that many Americans have voiced and continue to raise.

These three provisions of the PATRIOT Act extend overstep the bounds of the government investigative power set forth in the Constitution.

The "roving wiretap" provision allows a roving electronic surveillance authority, allowing the government to obtain intelligence surveillance orders with not particularity, that identify neither the person nor the facility to be tapped.

The "business records" provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause" before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity.

The "lone wolf" provision permits secret intelligence surveillance of non-US persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States.

This bill fails to address National Security Letters (NSLs) all together. NSLs permit the government to obtain the communication, fi-

nancial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is NOT suspected of unlawful behavior.

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

We must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans.

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

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

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

□ 1910

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of S. 990, to reauthorize the three expiring provisions of the PATRIOT Act for 4 years. This legislation provides much-needed certainty to our intelligence officials, who rely on these tools to prevent terrorist attacks, monitor foreign spies, and prevent espionage.

Unfortunately, this bill does not go as far as legislation reported by the Judiciary Committee earlier this month. H.R. 1800, the bill I sponsored along with Judiciary Chairman SMITH, Intelligence Chairman ROGERS, and House Administration Chairman LUNGREN, permanently reauthorizes the lone wolf definition and extends section 206 roving authority and section 215 business records authority for 6 years.

The PATRIOT Act has been plagued by myths and misinformation for 10 years. We've heard some of those tonight, and we'll probably hear more. In the last 3 months, myths have become

even more outlandish—claims of warrantless wiretapping, monitoring entire neighborhoods, and blatant constitutional violations. Make no mistake: Each and every one of these claims are patently false, and if Congress fails to reauthorize these laws before they expire, America's national security and that of its citizens will be the most vulnerable in a decade.

The lone wolf definition closes a gap in FISA by allowing the government to track a foreign national, not a U.S. person, who engages in acts to prepare for a terrorist act against the United States but is not affiliated, or cannot immediately be shown to be affiliated, with a foreign terrorist organization. The lone wolf definition is in fact quite narrow. It cannot be used to investigate U.S. persons and only applies in cases of suspected international terrorism. The government cannot use this provision to investigate domestic terrorism.

Although the lone wolf provision has yet to be used, it is an important provision that recognizes the growing threat of individuals who may subscribe to radical and violent beliefs, but do not clearly belong to a specific terrorist group. The recent death of Osama bin Laden only strengthens its importance, as the fear of individual retaliatory acts increases.

Section 206 of the PATRIOT Act authorizes the use of "roving" or multipoint wiretaps for national security and intelligence investigations. This allows the government to use a single wiretap order to cover any communications device that the target is using or is about to use. Without roving wiretap authority, investigators must seek a new court order each time a terrorist or spy changes cell phones or computers. In today's world of disposable cell phones, free e-mail accounts, and prominent social media, roving authority is a crucial tool.

Section 215 allows the FISA Court to issue orders granting the government access to business records in foreign intelligence, international terrorism, and clandestine intelligence cases. This authority is similar to the widely accepted grand jury subpoena in criminal investigations.

There are numerous protections written into the law to ensure that the authority is not misused. Under section 215, only an article III FISA judge can issue an order for business records; an investigation of a U.S. person cannot be based solely on activities protected by the First Amendment; the records must be for a foreign intelligence or international terrorism investigation; and minimization procedures must be utilized.

In addition, requests for records of library circulation, book sales, firearms sales, and the like must first be approved by the FBI director, his deputy, or head of the FBI's national security division. By contrast, a grand jury subpoena can obtain all of these records in a criminal investigation with simply

the signature of a line prosecutor. Finally, business records, which by definition reside in the hands of a third party, do not—and I repeat, do not—implicate the Fourth Amendment.

Since this law was first enacted over 10 years ago, these provisions have been scrutinized to the fullest extent of the law and have been either unchallenged or found constitutional. The lone wolf definition has never been challenged. Section 206 roving wiretaps have never been challenged. But four appellate courts, including the Ninth Circuit, have upheld criminal roving wiretap authority under the Fourth Amendment.

Section 215 business records were challenged, but after Congress made changes to that provision in the 2006 reauthorization, which many people who are complaining about this bill voted against, the lawsuit was withdrawn.

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

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. SENSENBRENNER. These three provisions have stopped countless potential attacks and play a critical role in helping ensure law enforcement officials have the tools they need to keep our country safe.

The death of Osama bin Laden proves that American intelligence gathering is vital to our national security. The fight against terrorism, however, did not die with bin Laden, and neither did the need for the PATRIOT Act.

I urge my colleagues to support this legislation.

Mr. NADLER. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to another abdication of our constitutional duty to conduct oversight and protect our most basic civil liberties. This bill extends through June 1, 2015, three provisions contained in the Intelligence Reform and Terrorism Prevention Act and the USA PATRIOT Act that, at the time of their passage, constituted an unprecedented expansion of government power and infringement on the American people's privacy.

Earlier this month, the Department of Justice released its annual report on surveillance activities for 2010. The report reveals that the government quadrupled its use of section 215 orders, named after one of the provisions, poised to extend until 2015 with no reform. Section 215, also known as the business records provision, allows the FBI to order any person, any business, to turn over any tangible things as long as it specifies it's for an authorized investigation. Orders executed under section 215 constitute a serious violation of Fourth Amendment and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records or medical records.

The other amendments to be extended include section 601, the lone wolf surveillance provision, contained in the Intelligence Reform and Terrorism Prevention Act of 2004, which authorizes the government to conduct investigations of non-U.S. individuals not connected to any foreign power or terrorist group. It effectively allows the government to circumvent the standards that are required to obtain electronic surveillance orders from criminal courts.

Lastly, section 206, known as the John Doe wiretap, allows the FBI to obtain an order from the Foreign Intelligence Surveillance Court to wiretap a target without having to specify the target or the device. These provisions were given a sunset for a reason.

There's an abundance of evidence over the last 10 years that these powers have given the government license to infringe on constitutionally protected privacy of the American people with no accountability. It's time we stop rubber-stamping these provisions, reform the PATRIOT Act, and stop Big Government from reaching into people's private lives.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining, and the gentleman from New York has 12½ minutes remaining.

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

Mr. NADLER. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, the House is once again in an unexamined rush to make semi-permanent the government's ability to seek all matter of records on citizens without having to demonstrate to a court that citizens under suspicion are actually engaged in terrorist activities.

The power of government for surveillance and enforcement are among the most important but also the most fearsome. We know these authorities and others have been abused, because the Department of Justice Inspector General has told us so. I know it, because for 8 years I served on the House Permanent Select Committee on Intelligence. Let me tell you, American freedom and security are not well-served by the excessive secrecy imposed on our society and government by this legislation.

The Foreign Intelligence Surveillance Court, which is responsible for approving government surveillance requests under the PATRIOT Act, is the kind of court that should be used only rarely and in the most special circumstances. Instead, it has become part of a kind of routine clandestine government.

□ 1920

Treating some Americans as above suspicion and others as suspect without cause has made us a less just and also a less secure society.

The PATRIOT Act was originally passed at a time of high emotion in this country. Nearly a decade at the PATRIOT Act enactment, the death of Osama bin Laden has provided us with an opportunity to stop and reflect on all that has transpired over the last 10 years. It is past time for us to pause and reexamine the validity of the assumptions that led to the passage of the PATRIOT Act and the validity of its current application.

But, you say, we cannot debate the validity of its current application because those applications are classified at a very high level. That is precisely one of the points we should be debating thoroughly before any reauthorization.

Sitting on the House Permanent Select Committee on Intelligence for 8 years, let me tell you, that secrecy does not serve America well.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), chairman of the House Administration Committee and also a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I know we want to get to a vote very, very soon and normally I would refrain from speaking on this except that because this is such an important issue and some of the things that have been stated on the floor are so patently untrue, there is an obligation for those of us who have been working on this issue for some period of time to make sure that the public is not misled by statements that have been made here on the floor.

Number one, the Fourth Amendment is not implicated.

We have heard statements on this floor that are absolutely not true. They are the same statements that were made the last time we had this on the floor, the same statements that were made when we reauthorized this a few years ago. And one of the most amazing things is there is a continuation of this argument that we haven't done proper oversight. I don't know where you have been, but many of us on this side of the aisle have been in briefings and on hearings on these very issues seeking out the truth on these things.

The canard that somehow we are tearing the Constitution up just does not stand any kind of inquiry whatsoever. The suggestion that somehow we are invading the civil liberties of citizens is negated by the language in the three sections of the bill that we have before us. And the argument that somehow, since we got rid of Osama bin Laden, we don't need this, is the most absurd at all.

One of the lessons of our successful mission being executed against Osama bin Laden is that you need actionable intelligence over a long range of time that you can connect together with analysis to give you the information that you need. It doesn't fall from heaven. It doesn't come like manna. You have to go get it. We have care-

fully constructed these provisions to allow us to do the kind of work that is necessary not to collect the bodies after a successful terrorist attack has occurred but, rather, to prevent these terrorist attacks.

One of the things people should keep in mind is that we have the intervention of Federal judges in these three different areas of the law. It is not something where the executive branch is allowed to go unfettered into looking for this information. Rather, they must justify it to an independent Federal court; and some say, oh my gosh, it is a secret court. It is a secret court because, in fact, there are certain secrets that must be maintained as we attempt as best we can to save this Nation and our citizens from those who would attack us.

One wonders at times whether we have the sense of urgency that is necessary to continue with the efforts to make us safe. The fact that we have thwarted successfully terrorist attacks is not a reason to dismantle the means which allowed us to do that. It is, in fact, a reason why we should continue this.

Any honest examination of the history of this Judiciary Committee and the Crime Subcommittee will reveal that we have done the oversight necessary to ensure that we have the tools to fight the threat of terrorism and at the same time preserve the civil liberties of American citizens.

To suggest otherwise is to ignore the record. To suggest it's unconstitutional is to somehow ignore the decisions made by every Federal court that has looked at this.

But you can continue to make these statements, you can continue to confuse the public, you can continue to raise alarm where alarm ought not to be raised.

With all due respect, while everybody is entitled to their opinions, they are not entitled to their own facts. They must take the facts as they are. And the facts are this is constitutional, it is workable, it is necessary. We have to do it, and we have to do it now.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of S. 990. These three provisions of the PATRIOT Act provide important tools that help keep America safe.

I am pleased that this bill includes sunsets. Our Founding Fathers created a system of government that included checks and balances among the three branches of government: the legislative, executive and judicial. Sunsets allow for the legislative branch to conduct meaningful oversight on an ongoing basis.

I will support this extension because I believe that these provisions are consistent with the Constitution and provide the tools the government needs to keep us safe while protecting civil liberties.

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

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

Mr. Speaker, let me just say that we have heard all these arguments before many times on this floor. It's hard for me to believe that a proper investigation and proper procedures would not have been able to improve these provisions in any way, that all the hearings, all the suggestions that were made came to no changes at all.

I am not going to debate for the fifth time with Mr. LUNGREN his statements. I do not believe they are accurate. He does not believe what I said is accurate. We are on similar ground there.

Let me just say that I believe that these provisions should be amended, they should be changed. They are an overbroad violation of our rights and leave it at that and, therefore, I will oppose it.

Before we conclude, I want to recognize Judiciary Committee counsel Sam Sokol, who is leaving the committee tomorrow for what I know is a bright future. I know that I speak for every member of the committee in thanking Sam for his wise counsel, his prodigious capacity for work, and his friendship. He has been a valued member of our team, and we will miss him greatly. We wish you the best of luck, Sam.

With that, I urge the defeat of this bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. MARINO), a member of the Judiciary Committee Crime Subcommittee. He is also both a former U.S. Attorney and district attorney.

Mr. MARINO. Mr. Speaker, it's incredible what I am hearing here today from my friends on the other side of the aisle. I was a U.S. Attorney and used the PATRIOT Act. I debated it, I lectured it, and I put a terrorist away by using the PATRIOT Act.

I was also a district attorney, and it was easier for me to get a warrant for documents as a district attorney than it was for me to get documents pursuant to the PATRIOT Act.

I just could not sign a document and go get papers and have a wiretap. I had to go through a FISA judge. It had to go through my first assistant, myself, the Justice Department, a judge, and then back to the office for a signature.

□ 1930

There are absolutely no circumstances where I could get information from a citizen who we believed to be a terrorist or to be involved in terrorism by not getting a warrant.

An example is the roving wiretap. The roving wiretap was designed for one specific reason. Wiretaps, when the wiretap law went into effect, were based on a phone being on a wall in a particular location. Over the years, because of cell phones, terrorists, criminals, and drug dealers were buying—

and are still buying—cell phones in the 5, 10, and 20 batches, using them for several minutes, dropping them, continuing the same crime, and just switching to a new cell phone. The law allowed us not to have to go after a new warrant for each cell phone. That was logical because the phone was not attached to a wall in a particular location; they were roving. It has done its job not only in drug work but terrorism work as well.

The same thing for documents and information from business records and bank records. In some instances, as a district attorney, I didn't even need a warrant. All I had to do was subpoena those documents. That is not possible under the Federal system. We have to go through a FISA court to get those warrants. I've done that for 6 years as a U.S. attorney and for 12 years as a district attorney. What we are hearing from the other side is absolutely not true about warrantless searches.

Earlier today, the Senate approved Senate 990 by a vote of 72-23, with overwhelming bipartisan support. It is time for the House to do the same thing. Time is of the essence. We have until midnight tonight to help keep America safe because the terrorists are out there continually working. They aren't taking breaks.

These are commonsense provisions that have worked effectively for 10 years to prevent terrorists attacks, protect the American people, and preserve civil liberties. They need to be extended for another 4 years.

The terrorist threat we face as a Nation has not expired. Neither should these important provisions that have helped keep us safe from terrorist attacks.

I urge my colleagues to vote "yes" on this critical national security bill.

Mr. BECERRA. Mr. Speaker, we can defeat our enemies without surrendering the rights and freedoms that are the foundation of our republic.

Our men and women in uniform put their lives on the line every day to defend the liberties that we hold dear. In light of their bravery and commitment to the highest standards of human rights—even in war—we must ask ourselves if, through this vote on S. 990, the PATRIOT Sunsets Extension Act of 2011, we are willing to freely give up those very rights for which they are willing to die.

The PATRIOT Act can be a law worth preserving. Many of its provisions have enhanced our security. But several of its prescriptions would undermine our cherished protections of civil liberties and American freedom. That is not the American way.

As we approach Memorial Day, a day when we reflect on the sacrifices made by our fallen warriors, let us give them and the defenders of our security the legal tools they need to protect us all and to seek out and descend upon those who would do us harm. But let us sensibly discard those provisions of law which do not uphold those standards and would instead give away the precious liberties which millions of Americans have died defending throughout the history of our country.

Mr. Speaker, today I vote against S. 990 because this Congress did not move sensibly to

amend the PATRIOT Act to bolster our security while respecting our civil liberties and freedoms.

Mr. VAN HOLLEN. Mr. Speaker, in February of this year, I voted to support a three-month extension of the PATRIOT Act provisions in today's underlying legislation in order to give Congress time to build a consensus around necessary, common sense reform. Today, it is with great reluctance that I must stand in opposition to an additional extension of these provisions, as Congress has failed to make reforms to safeguard civil liberties.

This is a missed opportunity. Senators LEAHY and PAUL offered a bipartisan amendment that included a sunset date for National Security Letters, enhanced oversight of PATRIOT Act authorities, and more focused standards of relevance for business record requests—changes that would provide meaningful improvements to the balance between national security and civil liberties. However, this proposal was not given a vote on the floor of the Senate.

I believe there are important provisions in this bill that should be extended. However, there is also a clear need for improved oversight and privacy protections. We must not be stampeded into continuing to pass bad policy, especially when credible solutions are well within reach. I voted to give Congress time to responsibly reform these provisions. But I cannot in good conscience support a four-year extension that makes no effort to ensure that the authorities under this law are being exercised responsibly.

Mr. Speaker, I have always been prepared to support a balanced PATRIOT Act that defends Americans without eroding our freedom. Unfortunately, S. 990 is not that legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I do not support S. 990, which extends three controversial PATRIOT Act provisions. There is a much better way to safeguard our national security without jeopardizing the privacy and civil liberties of American citizens. This legislation reauthorizes these sections of the PATRIOT Act without making necessary improvements, and it fails to even address other problematic practices, including the use of National Security Letters.

Among the provisions included in this extension is Section 215, which expands the government's ability to private, confidential records, without showing probable cause or direct connection to a foreign power or agent. This includes library, and bookstore records, as well as highly personal information such as medical records.

In addition to my concerns about what is in this bill, I am concerned about what is not in it. Instead of engaging in a real debate about reforming the PATRIOT Act, we are simply continuing the bad policies of the past. Tonight's bill fails to address the widespread use (and abuse) of National Security Letters. The National Security Letters provisions of the PATRIOT Act, which drastically expand government authority to demand private records without prior court approval, have been used hundreds of thousands of times since 2001.

There is another way to protect our citizens, without treading on their rights. Congressman CONYERS has offered an alternative proposal, H.R. 1805, laying out a compromise approach to improving the PATRIOT Act. I am a co-sponsor. Congressman CONYERS' legislation, which has the support of the Obama Adminis-

tration and the intelligence community, as well as bipartisan Senate support, reauthorizes the three expiring provisions for two and a half years, rather than the six-year extension in S. 990. It makes critical improvements to prevent the abuse of fundamental civil liberties, including tightening the requirements on roving wiretaps (and eliminating the so-called "John Doe Roving Wiretap," under which the government can obtain surveillance orders that identify neither the person nor the facility to be tapped).

In addition, for the first time, Congressman CONYERS' bill sunsets the use of National Security Letters (NSL) and makes a number of changes to abusive NSL practices. H.R. 1805 strengthens the factual basis required for use of an NSL, clarifies the standards for including a gag order in an NSL, and improves public reporting on the number of NSLs issued each year.

I do not believe that these invasive authorities should be extended in the absence of real improvement in the civil liberties protections. As a member of the Intelligence Committee, I know that we can protect our citizens without treading on their rights. We do not have to choose between our security and our values. Instead, we should pass legislation that grants the intelligence community the tools they require while also protecting the rights and liberties of all Americans.

Mr. BLUMENAUER. Mr. Speaker, today I will vote against an extension of the PATRIOT Act because Congress should be refining and narrowing the scope of the Act, not extending it as-is, until 2015.

There are real concerns on both sides of the aisle about granting the federal government too much power with little to no mechanisms for oversight by Congress. We are missing an opportunity in the House for bipartisan reform by rushing this extension to the floor. It's time for a more accountable approach that balances individual privacy with our national defense.

Our intelligence community has the tools necessary to keep us safe without compromising our privacy. This hasty four-year extension is disappointing because the Act could be more effective if it included the auditing requirements for which many in Congress have advocated.

Mr. WEST. Mr. Speaker, deep within my heart I have a mistrust of the Obama Administration when it comes to the PATRIOT Act. However, I do have a greater trust in the law enforcement and judges on the FISA court to keep Americans safe.

I support the work that law enforcement does around the nation each and every day in order to protect our citizens and apprehend individuals who want to kill innocent people and try to destroy our way of life.

The PATRIOT Act was enacted shortly after September 11 to deal with the threat of international terrorism. Indeed, we are engaged in a global conflict against radical Islam. Those who are captured on this truly global battlefield should be treated as non-state, non-uniform belligerents, not as common criminals.

As you are well aware, I spent 22 years in the United States Army—the tip of the spear tasked with protecting the citizens of this great nation. As a Member of the House of Representatives, I have taken an oath to protect the constitutional rights of the citizens of the 22nd Congressional District of Florida and all Americans.

Benjamin Franklin, one of the founders of our nation wrote “They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.”

For many weeks I have reflected on this quote as I have studied this issue to make a decision on how I should cast my vote on the reauthorization of provisions of the PATRIOT Act. I have spoken with numerous individuals, including my fellow colleagues in the House of Representatives, the Director of the Federal Bureau of Investigation, Robert Mueller, and the Chairman of the House Intelligence Committee, MIKE ROGERS in order to try to understand the facts.

I have spoken to numerous constituents who are both experts on this issue and constituents who, while not experts, have a concern about these provisions. I reviewed testimony to Congressional Committees and have studied many documents in order to determine the proper balance between individual's rights and the responsibility of the Federal Government to protect Americans.

I have done what I was sent to Capitol Hill to do, to make an informed decision based on the facts and represent the people of the 22nd Congressional District of Florida. I have determined that the most important constitutional right, one which I have taken an oath to protect, is the right to life for all Americans. We must do whatever is necessary to prevent another terrorist attack on our soil and how to do this must be fully and openly debated.

When we killed Osama bin Laden, we may have killed the face of evil and the mastermind of numerous terrorist attacks, however, we face an emboldened enemy who now operates on a 21st century battlefield. The perpetrators of September 11th lived in South Florida and planned their attacks upon our nation there. And just this month, individuals were arrested in South Florida sending funds to terrorists in Pakistan.

The complexities of the 21st Century Battlefield require us to reassess and redefine how we confront our enemy. The men and women who serve in law enforcement throughout our country today face this non-state, non-uniform belligerent who has no regard for international borders or boundaries, to include our homeland. As we have seen by the terrorist attacks in Little Rock and Fort Hood, our fight against radical Islam is not just against the Taliban in Afghanistan or al Qaida in Iraq, but against a global movement who has infiltrated our borders.

We are at war with a radical ideology that has brought the fight to us time and time again. From Fort Hood, Texas, to Little Rock, Arkansas, Islamists have targeted American citizens. After each of these brutal attacks, I, like many Americans, was shocked at how this could happen on American soil. Political Correctness allowed Major Nidal Hassan to have so-called “spiritual conversations” with a radical element who preached and advocated violence against American citizens. Under the protection of the First Amendment, Carlos Bledsoe was able to travel overseas, become radicalized, return home to purchase weapons, plan and execute an attack against a Little Rock Army Recruiting Depot.

As I outlined to a letter I sent to FBI Director Robert Mueller earlier this month, I believe the execution of these provisions should be moved to the Counter Terrorism Division instead of the Criminal Division. Further, I do

not support the extension of these provisions for four years and I am gravely disturbed that we did not allow an open process to review the extension of these provisions.

We must clearly focus on the enemy, not permit political correctness to drive our domestic security policy. No one recognizes the security situation better than I. However, I have not been fully persuaded that these provisions make us safe . . . as opposed to the illusion of feeling safe.

Based upon my research, I shall not vote for extending these provisions for four years. The most integral part of our focus on security against radical Islamic terrorism is to recognize and confront this enemy. And to do this we must openly debate the best way for this to be accomplished.

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

Pursuant to House Resolution 281, the previous question is ordered.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 153, not voting 28, as follows:

[Roll No. 376]
YEAS—250

Adams	Crenshaw	Hinojosa
Aderholt	Critz	Holden
Alexander	Cuellar	Hoyer
Altmire	Culberson	Huizenga (MI)
Andrews	Davis (CA)	Hultgren
Austria	Davis (KY)	Hunter
Bachmann	Denham	Hurt
Bachus	Dent	Israel
Barletta	DesJarlais	Issa
Barrow	Deutch	Jenkins
Barton (TX)	Diaz-Balart	Johnson (OH)
Bass (NH)	Dicks	Johnson, E. B.
Benishek	Dold	Johnson, Sam
Berg	Donnelly (IN)	Jordan
Berkley	Dreier	Keating
Biggert	Duffy	Kelly
Bibray	Ellmers	Kind
Bilirakis	Emerson	King (IA)
Bishop (GA)	Farenthold	King (NY)
Bishop (NY)	Fincher	Kingston
Black	Fleischmann	Kinzinger (IL)
Blackburn	Fleming	Kissell
Bonner	Flores	Kline
Boren	Forbes	Lamborn
Boswell	Fortenberry	Lance
Brady (TX)	Fox	Landry
Brooks	Franks (AZ)	Langevin
Brown (FL)	Frelinghuysen	Lankford
Bucshon	Galeggly	Latham
Buerkle	Gardner	LaTourette
Burgess	Garrett	Latta
Burton (IN)	Gerlach	Levin
Butterfield	Gibbs	Lewis (CA)
Calvert	Gingrey (GA)	Lipinski
Camp	Gohmert	LoBiondo
Canseco	Goodlatte	Lowe
Cantor	Gosar	Lucas
Capito	Gowdy	Luetkemeyer
Cardoza	Granger	Lummis
Carney	Graves (MO)	Lungren, Daniel
Carter	Griffin (AR)	E.
Cassidy	Grimm	Marchant
Chabot	Guinta	Marino
Chandler	Guthrie	Matheson
Coble	Hall	McCarthy (CA)
Coffman (CO)	Harper	McCaul
Cole	Hartzler	McCotter
Conaway	Hayworth	McHenry
Cooper	Heck	McIntyre
Costa	Hensarling	McKinley
Cravaack	Herger	McMorris
Crawford	Higgins	Rodgers

Meehan	Ribble	Simpson
Mica	Rigell	Smith (NE)
Miller (FL)	Rivera	Smith (NJ)
Miller (MI)	Roby	Smith (TX)
Miller (NC)	Rogers (AL)	Smith (WA)
Miller, Gary	Rogers (KY)	Southerland
Mulvaney	Rogers (MI)	Stearns
Murphy (PA)	Rooney	Stivers
Neugebauer	Ros-Lehtinen	Stutzman
Noem	Roskam	Terry
Nugent	Ross (AR)	Thompson (PA)
Nunes	Ross (FL)	Thornberry
Nunnelee	Rothman (NJ)	Tiberi
Olson	Royce	Tsongas
Palazzo	Runyan	Turner
Pascarell	Ruppersberger	Upton
Paulsen	Ryan (WI)	Walberg
Pearce	Scalise	Walden
Pence	Schiff	Walsh (IL)
Peters	Schilling	Wasserman
Peterson	Schmidt	Wasserman
Petri	Schock	Schultz
Pitts	Schwartz	Webster
Platts	Schweikert	Westmoreland
Poe (TX)	Scott (SC)	Whitfield
Price (GA)	Scott, Austin	Wilson (SC)
Quayle	Scott, David	Wittman
Quigley	Sensenbrenner	Wolf
Rahall	Sessions	Womack
Reed	Sewell	Yoder
Reichert	Shimkus	Young (FL)
Renacci	Shuler	Young (IN)
Reyes	Shuster	

NAYS—153

Ackerman	Grijalva	Payne
Amash	Gutierrez	Pelosi
Baldwin	Hanabusa	Perlmutter
Bartlett	Hanna	Pingree (ME)
Bass (CA)	Harris	Polis
Bishop (UT)	Hastings (FL)	Posey
Blumenauer	Heinrich	Price (NC)
Brady (PA)	Herrera Beutler	Rangel
Bralley (IA)	Himes	Rehberg
Brown (GA)	Hinchesy	Richardson
Campbell	Hirono	Richmond
Capps	Holt	Roe (TN)
Capuano	Honda	Rohrabacher
Carnahan	Inslee	Rokita
Carson (IN)	Jackson Lee	Roybal-Allard
Chaffetz	(TX)	Rush
Chu	Johnson (GA)	Ryan (OH)
Ciilline	Johnson (IL)	Sánchez, Linda
Clarke (MI)	Jones	T.
Clarke (NY)	Kaptur	Sarbanes
Clay	Kildee	Schakowsky
Cleaver	Kucinich	Schrader
Clyburn	Labrador	Scott (VA)
Cohen	Larsen (WA)	Serrano
Connolly (VA)	Larson (CT)	Sherman
Costello	Lee (CA)	Slaughter
Courtney	Lewis (GA)	Speier
Crowley	Loebsock	Stark
Cummings	Lofgren, Zoe	Sutton
Davis (IL)	Luján	Thompson (CA)
DeFazio	Lynch	Thompson (MS)
DeGette	Mack	Tierney
DeLauro	Maloney	Tipton
Doggett	Manzullo	Tonko
Doyle	Markey	Towns
Duncan (SC)	Matsui	Van Hollen
Duncan (TN)	McClintock	Velázquez
Edwards	McCollum	Visclosky
Ellison	McDermott	Walz (MN)
Engel	McGovern	Waters
Eshoo	McNerney	Watt
Farr	Meeks	Waxman
Fattah	Michaud	Weiner
Fitzpatrick	Moore	Welch
Frank (MA)	Moran	West
Fudge	Murphy (CT)	Wilson (FL)
Garamendi	Nadler	Woodall
Gibson	Napolitano	Woolsey
Gonzalez	Neal	Wu
Graves (GA)	Pallone	Yarmuth
Green, Al	Pastor (AZ)	Young (AK)
Griffith (VA)	Paul	

NOT VOTING—28

Akin	Filner	Miller, George
Baca	Flake	Myrick
Becerra	Giffords	Oliver
Berman	Green, Gene	Owens
Bono Mack	Hastings (WA)	Pompeo
Boustany	Huelskamp	Sanchez, Loretta
Buchanan	Jackson (IL)	Sires
Castor (FL)	Long	Sullivan
Conyers	McCarthy (NY)	
Dingell	McKeon	

□ 1956

Mr. CONNOLLY of Virginia changed his vote from “yea” to “nay.”

Messrs. YODER, SCOTT of South Carolina, and POE of Texas changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 376, Consideration of PATRIOT Act Extension, had I been present, I would have voted “nay.”

Mr. BECERRA. Mr. Speaker, I was unable to cast my floor vote on rollcall vote 376.

Had I been present for the votes, I would have voted “nay” for rollcall vote 376.

Mr. JACKSON of Illinois. Mr. Speaker, I was unavoidably detained for personal reasons, and missed a recorded vote for S. 990, the PATRIOT Sunsets Extension Act of 2011. If present, I would have recorded my vote as “nay” for rollcall vote 376.

Mr. FILNER. Mr. Speaker, on rollcall 376, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “nay.”

APPOINTMENT OF MEMBER TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore (Mr. BROOKS). Pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 5, 2011, the Chair announces the Speaker’s appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. LARSON, Connecticut

FAREWELL, TOM McAVOY

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

Mr. GARDNER. Mr. Speaker, times have been hard for the newspaper business; but this week, the Pueblo Chieftain experienced an especially tough loss—the retirement of its editorial research director, Tom McAvoy.

Tom is a native of Pueblo, Colorado. He graduated from Central High School in 1964 and from CSU-Pueblo. After receiving a master’s degree in journalism from Ohio State University in 1969, he spent a year working in the AP’s Denver bureau until he accepted a teaching position at his alma mater back in Pueblo, Colorado.

During the summers, he worked part time in the Chieftain’s newsroom; and in 1977, the position became full time. When Tom began his career, these were the days of Woodward and Bernstein, Hunter S. Thompson, and Gloria Steinem. Investigative reporting and gonzo journalism just don’t exist like that anymore. These were also the

days before emails and cell phones, and stories were literally filed over the wires. Tom is, without a doubt, what one would consider “old school.”

In 1983, Tom took over as the political beat reporter for the Chieftain, working out of its Denver bureau for the next 21 years. He covered the State capitol, three Governors; and he remembers what the Colorado legislature was like before term limits.

I’ve had the opportunity to work with Tom not only at the State capitol in Denver, Colorado, but at the Chieftain. He knows a great deal and cares a great deal about Colorado, south-eastern Colorado, and the water law that has made Colorado the great State that it is today. Not only am I going to miss Tom McAvoy, but I know the people of Pueblo and the people of south-eastern Colorado will as well.

Tom, thank you for your service to the people, and I look forward to working with you because I know, in retirement, you’re still not going away.

□ 2000

MEMORIAL DAY: REMEMBERING OUR WAR HEROES

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

Mr. POE of Texas. Mr. Speaker, Veterans Day is the day we honor our veterans who go overseas and they return. Memorial Day is the day we honor our soldiers, our sailors, our airmen who go overseas and they don’t return. Monday is Memorial Day, and all Americans should give homage and honor, praise and prayers for those that served and gave up their lives for the rest of us. They gave their youth for our future.

Not far from where we are today, right down The Mall, is the newest memorial on The Mall; it’s the World War II Memorial. It’s a massive memorial to those World War II—the “Greatest Generation”—veterans that served. On the back wall there it looks like a bronze plate. And if you get closer, Mr. Speaker, you notice that it’s not a bronze plate at all, but there are thousands of stars; 400,000 stars on the World War II Memorial, and each one of those represents a young American that went overseas in the great World War II and did not return; 400,000 Americans. Those are just a few that have served and given their lives.

Patriotism is a good thing. This Memorial Day we praise those who served, and we praise the families of those who served.

And that’s just the way it is.

PAYING TRIBUTE TO RUSSELL SKINNER

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

Mr. BRADY of Texas. Our postman is retiring this weekend. Normally that

wouldn’t be national news, but this is no ordinary man. Russell Skinner has been serving our community and our neighborhood for more than 30 years. He’s more than that; he’s an entrepreneur. He has his own flooring company. You’ll see him on evenings and weekends working to try to provide not just good service to his customers, but to take care of his family as well. He runs a Christian gospel singing group. You will see him in our local churches around the region bringing God’s songs and music across our region.

Russell Skinner loves his country, he loves our soldiers, he loves his family, and he loves his God. And he is just part of the American dream, living it, working it, fighting it. Russell Skinner will be missed in our community. He is what’s great about America.

THE PATRIOT ACT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it’s my honor to be recognized to address you here on the floor of the United States House of Representatives and this great deliberative body that we have, and especially immediately in the aftermath of this historic vote that has just gone up on the Patriot Act.

As we have debated this and worked with an amendment process and negotiations that took place in the Senate, we got down to the last minutes here. And I presume final passage of the Patriot Act is now on its way to the President’s desk to be signed tonight so that there’s not a window of vulnerability with regard to the intelligence that we can gather against our enemies that are evermore coming into the United States and plotting against us globally.

This is an issue that emerged when we saw our vulnerabilities in the immediate aftermath of September 11. And as that was dealt with here in this Congress—and I will say that of pieces of legislation that have been passed in a relative emergency situation, the Patriot Act among them stands out as something that came together with—it was clearly a bipartisan effort to put the Patriot Act language together; it was done so with the information that we had at the time. Some of that information was gathered in a hasty fashion—the smoke was certainly rolling up out of Ground Zero in New York while the Patriot Act was passed here in the House of Representatives.

It was also passed with the idea that it had sunsets on it so it required reauthorization so that Congress would come back and have oversight over the authority that was granted in the Patriot Act to do surveillance. For example, roving wire taps. Clear back in the 1980s it was understood with cell phones that when investigators were investigating organized crime, for example, the Mob had it figured out