The House bill provisions for 10 year sunsets on the 215 and 206 roving wiretap powers is not much better than no sunset at all. What we are talking about under the 215 provision is power to get access to your personal records from a business, including a public library, without you even knowing about it or what is done with the information. And the librarian or other business operator cannot tell you or anyone else other than the business’s attorney or appropriate superiors, about the FBI’s taking your records.

The problem with a 10-year sunset is that it will have no impact on the current Administration, or the next one and only have an impact in the last year of the 3rd Administration from December 2005 sunsets contained in the original PATRIOT Act conveys is to sunset those provisions within a reasonable period of time. In past years, well before the December 2005 sunsets contained in the original PATRIOT Act expired that we got real answers when the Department of Justice how it was using the authorities that had been granted to the Department by the original act. Some questions simply went unanswered. Other questions were rebuffed, and we were told that the information was classified. And still others were avoided by telling us that the information simply was not available.

Moreover, an organization may not tell someone they have turned over their private information. So people have no way of knowing when their privacy has been violated. A true meaningful sunset is that the law confers. Remember, the more dangerous and intrusive powers were avoided by telling us that the information was classified. And still others were avoided by telling us that the information simply was not available.

Speaker, I do not intend to oppose the motion to instruct, and I ask unanimous consent that I may control the 30 minutes that I have been allotted.

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

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise today in support of the Boucher-Rohrabacher-Mack motion to instruct the conference to recommit the Senate with respect to sunsetting in 4 years the libraries and book stores, roving wire taps and loan wolf provisions of the USA PATRIOT Act.

The most effective way for Congress to maintain oversight of the most controversial powers that the PATRIOT Act conveys is to sunset those provisions within a reasonable period of time. In past years, well before the December 2005 sunsets contained in the original PATRIOT Act, we asked the Department of Justice how it was using the authorities that had been granted to the Department by the original act. Some questions simply went unanswered. Other questions were rebuffed, and we were told that the information was classified. And still others were avoided by telling us that the information simply was not available.

All of that changed in April of this year when the Department of Justice realized that straight reauthorization of the PATRIOT Act would not happen without serious answers to our reasonable questions. Suddenly, numbers and examples were no longer unavailable. Suddenly, the information we had long been seeking was provided. I have no doubt that if 16 provisions of the original act were not scheduled to sunset at the end of this year, we would still have little information on how these new authorities were being used.

If we have learned one thing over the last 6 years, it is that the law confers. A true meaningful sunset is that the law confers. Remember, sunsets do not in any way hinder law enforcement’s use of the powers the PATRIOT Act confers. They merely ensure accountability and oversight, which are particularly important with respect to the three controversial provisions that are at issue today.

Section 215 of the law puts personal records, including library, bookstore and medical records, up for grabs by law enforcement with no requirement that the person whose records are sought be suspected of involvement in a crime. All law enforcement has to say is that the information is relevant to an investigation. It could be an investigation of someone the person has never met and about whom the person has no knowledge.

Moreover, an organization may not tell someone they have turned over their private information. So people have no way of knowing when their privacy has been violated. What we are talking about under the 215 provision is power to get access to your personal records from a business, including a public library, without you even knowing about it or what is done with the information. And the librarian or other business operator cannot tell you or anyone else other than the business’s attorney or appropriate superiors, about the FBI’s taking your records.

Mr. SENSENBRENNER. Madam Speaker, I rise today in support of the motion to instruct, and I ask unanimous consent that I may control the 30 minutes that I have been allotted.

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

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise today in support of the Boucher-Rohrabacher-Mack motion to instruct the conference to recommen...
been intruded upon. Earlier this year, the House, by a wide margin, voted to bar enforcement of this overly broad provision. But the House bill reauthorizing the act with some changes perpetuates it for 10 years, and I think that is inappropriate. The Senate bill Sunsetted such provisions in 4 years. Our motion to instruct directs conferees to adopt the 4-year sunset provision.

Section 206, John Doe roving wiretaps, allows law enforcement to obtain a single court order to tap any phone it believes a foreign agent would use, instead of getting separate orders for each phone. Moreover, the government is not required to name the target which allows wiretaps on phones of virtually anyone meeting the description of a John Doe. The combination of allowing blanket tapping of, for example, all of the pay phones in a target’s neighborhood or the phones of all of his friends and relatives, combined with the ability to wiretap a vaguely described person that John Doe wiretaps require so little specificity that they can easily be abused.

Sunsetting this provision in 4 years will allow Congress to revisit how this authority is being used and whether it continues to be necessary.

Reinstating is about accountability. This motion to instruct would simply assure that we have the authority to carry it out.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I think it is important for the Members to note that the motion to instruct deals specifically with the “lone wolf” provision and sunsets that. The lone wolf provision was not passed as a part of the PATRIOT Act in October 2001, but was included as a intelligence bill which was enacted into law a little bit less than a year ago. So as a result, the committees and the public have not been able to have as extensive oversight and for as long a period of time as the other 16 provisions that were sunsetted in the act which the President signed in October 2001.

So I think it is appropriate to have a sunset on the lone wolf provision simply because we do not have the experience to examine what the Justice Department has done with this new and expanded authority.

On the other hand, let me say that we are negotiating with the Senate at the present time on what the length of the sunset is, and I think that the sunset on this provision will be longer than 4 years, and the sunset on the other two provisions that were contained in the House-passed bill will be shorter than the 10 years that the House of Representaives placed in the bill, which was passed and sent over to the other body.

Having said all of this, I would like to make a couple of points. First of all, finding out what a Department or an agency of the executive branch is doing is entirely the prerogative of the committee that has the responsibility for the oversight and of its Chair. I have been extremely vigorous, since the enactment of the PATRIOT Act in 2001, in doing an oversight over what the Department of Justice has done relative to that law, and I am happy to say that most of the oversight letters that have been sent to the Attorney General have been co-signed by the Attorney General of Michigan (Mr. CONYERS), ranking member of the Judiciary Committee.

We have been kind of like tough school marms with the Department of Justice because we are not able to have as extensive oversight letters that have been sent to the Attorney General and the one where we required the Department of Justice to come up with responsive answers and, those responsive answers we placed on the committee’s website so that any now as repeated the government’s answer could be able to find out what the questions were and what the answers were, with the exception of responses that were classified and which were sent to the Intelligence Committee rather than to the Judiciary Committee.

In addition to the oversight which was done, the original PATRIOT Act requires the Inspector General of the Department of Justice to report twice a year to the relevant committees of Congress the number of civil liberties violations that have been found against the Department of Justice as a result of its exercising the increased and new requirements under the PATRIOT Act. We have received those reports by the Inspector General of the Department of Justice on a regular and on a timely basis, and the answer to how many civil liberties violations they have looked at is now more. Repeatedly, they have said there are no civil liberties violations that the Inspector General has been able to uncover.

Further, I resisted a premature re-authorizing and the re-authorizing prior to this Congress because I felt it was important that the oversight be done for as long a time as possible so that the Congress will be able to look over the shoulder of the Department of Justice and find out whether or not they were doing it the right way or whether or not they needed a tap on the shoulder from Capitol Hill for improvements in their methods of operation.

When we did get to this Congress with the oversight completed and the sunset approaching, I fulfilled the promise that I made to the public and anybody who asked that we would be doing a section-by-section review of the expiring sections of the PATRIOT Act and the House Committee on the Judiciary had 12 separate hearings on the PATRIOT Act’s sunset provisions. There were minority witnesses at all of the hearings except the one where the Attorney General and the one where the Deputy Attorney General appeared to testify. There was plenty of time for questions by every member of the committee.

As a result of all of those hearings, we found that all but two or three sections of the PATRIOT Act were essentially noncontroversial. Nobody was complaining about an abuse of power. Nobody had proved abuse of power. Nobody had alleged an abuse of power. And the message to that is that is given down town as well as to the public is that our oversight really does not make any difference. If the oversight shows they have been doing a good job, they ought to be rewarded.

Getting rid of the 14 of the 16 sunset provisions that were contained in the original PATRIOT Act does not mean that the Justice Department is not going to have the committee looking over its shoulder. We will do that; but, the way they are handling the PATRIOT Act and the way they are handling all of the other laws that the committee has oversight jurisdiction over.

Because the motion to instruct only relates to the lone wolf provision and I believe that because we have had a much shorter period of time in viewing how they have dealt with the lone wolf provision because it was passed 3 years after the original PATRIOT Act was enacted into law, I think this motion to instruct is a proper one, although I do think that the difference between 4 years and 7 years still should be negotiated with the Senate. But because the gentleman from Virginia is 95 percent to where we ought to be, I am going to vote for it, and maybe he will be able to make more flexible with the other 5 percent.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself 30 seconds.

For basis of clarification, the motion to instruct that we have put forward applies to lone wolf, as the gentleman from Wisconsin indicates.

But it also applies to sections 206 and 215. The House sunsets those in 10 years, and we would instruct conferees to adopt the Senate 4-year sunset. I wanted to be sure that was well under stood.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, first and foremost, I yield myself a moment here to thank the gentleman from Virginia (Mr. Boucher) for the message that is given down town.

Good faith with us in having an honest discussion of this very significant issue.
Madam Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Madam Speaker, I rise in support of the motion to instruct.

We have heard much from many sides about the USA Patriot Act—concerns about what the bill does, statements about what it does not do, and fears about what it could do in the future. We have shared these discussions with constituents, state and local officials, businesses, librarians, and other government agencies.

But earlier this year we had an important opportunity to move those conversations back to Congress to examine—in a light much more clear and objective than that in which we passed the original bill—how the PATRIOT Act has protected us from further terrorist attack, and also how balance between national security and personal security needs to be restored.

As a result of the opportunity to debate, deliberate, and discuss, we made important changes to the original USA Patriot Act in H.R. 3199, changes that enable law enforcement to continue to investigate and prosecutors to receive information on terror suspects, that were able to go back and make those changes because the original bill included a sunset and made many questionable provisions subject to it.

This sunset served us well, and so I am perplexed that in the same bill where we made vital revisions to the USA Patriot Act we also eliminated many of the sunsets and extended others for a decade or more. In doing so, H.R. 3199 takes away from Congress the opportunity to periodically review these provisions and ensure that the police powers they provide law enforcement are necessary and that they are not being abused.

I am glad that, in respect to Sections 206 and 215 of the USA Patriot Act, the Senate did not act as rashly as we did. I strongly urge conferees on the House-Senate conference committee to keep the sunset provisions in place.

The expanded authority we are talking about in terms of eliminating these sunsets in the current bill, this has nothing to do with fighting the war or winning the War on Terror. It has everything to do with using that war as an excuse to permanently change the way we do business in the United States of America. It is not just a war of 5 years in the Senate bill. This section allows for law enforcement to examine library, financial and financial records of any person in connection with a Federal investigation. This provision is possibly the most controversial in the entire bill. My colleagues on one side of the aisle say that this is an uncontentious provision of privacy, and others say that it is a right to have that kind of power in the hands of the Federal police authorities after the war is over. It is as simple as that.

I support the expansion of those powers until we win that war. But we cannot, and this is what we have been handed, a bill that permanently does it so our way of life is changed after the war is over.

The special grants of police power that we believe should only last for the duration of the war, and we must demand at least a forced reexamination of these provisions to ensure that winning the War on Terror does not result in a permanent change of our way of life.

Of course, we are all concerned about the debate of the PATRIOT Act again. Today, we are limited to instructing conferees to adopt the Senate’s version of the bill, which would sunset in 4 years the same two provisions that the House bill would sunset in 10 years. The purpose of the expansion of the police powers, such as the sneak-and-peak searches, Internet and credit card seizures, the lowering of standards for logging all calls dialed from one particular phone, and the rules against discussing property seizure, all without the traditional warrants that would be required for those activities, have been made permanent in U.S. law. The two provisions allowing one to expect, are the most questionable of the lot.

Specifically, section 206 of the House version of the PATRIOT Act extends to Federal authorities for 10 years until 2015 the right to tap, whether they have the name of a specific suspect or location notwithstanding. This should be reexamined before 10 years has lapsed if for no other reason than to just understand whether or not this tool is working for us in the War on Terror. Is it achieving the goals that it set out to achieve in this war?

The Senate version sunsets the clause in 4 years; that is much more reasonable. Let us confident and reassess it. That is reasonable.

Section 215 will also be sunsetting in 2015 in the House version rather than in the 5 years in the Senate bill. This section allows for law enforcement to examine library, financial records of any person in connection with a Federal investigation. This provision is possibly the most controversial in the entire bill. My colleagues on one side of the aisle say that this is an uncontentious provision of privacy, and others say that it is justified, even in wartime. Others, however, argue that this particular provision is rarely, if ever, used, so why worry about it?

Well, let us be frank and admit that searching library and financial records of our citizens is hugely intrusive, even if it is rarely used. Nonetheless, this section 215 may be needed in a time of war to secure our country and to make sure our people are safe. Let us grant the expansion of this police power with a reasonable time limit, such as the expansion of a shorter term of years to ensure section 215 is not abused, that seems reasonable. But it may, again, 215 may be justified now.

We may have a justification to find out if someone who checked out a book on radical Islam also checked out books on how to make bombs. That is why sunsetting this provision 4 years from now, rather than 10 years, is the right thing to do. We want to have that kind of power in the hands of the Federal police authorities after this war is over.

Finally, we need to ask, why do the radical Islamists hate us? They hate the openness of our society. They hate our tolerance, our belief in equality before the law, the right of those of other faiths to worship, and the right of us to express our beliefs. In short, radical Islam is the enemy of freedom; thus, they are our enemy.

Let us permanently alter the traditional limitations of our government here in America, the terrorists have won. They have changed our way of
life. During no war in the past, whether World War II or the Cold War, were the police powers of the Federal Government permanently changed so that after the war a new standard of government would exist.

Well, Ronald Reagan would never have supported such an expansion of Federal power and neither should we. I ask my colleagues to vote on this motion to instruct conferences, and I would urge them to search their consciences about voting for a new PATRIOT Act at all that threatens to permanently change the American way of life.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I am really disappointed that the gentleman from California (Mr. ROHRABACHER), whom I consider to be my friend, has said that the extensive overreach that the Judiciary Committee has done on a bipartisan basis is irrelevant. Because what he is saying is that the results of that oversight and the results of those hearings will not make any difference when we are dealing with the extension of the PATRIOT Act.

I think they do. Because if you accept the argument that he has made, then the Congress should never do overreaching because the results of the oversight are not going to make any difference in the policy.

To repeat myself, first, the Inspector General has not found a civil liberties violation. Secondly, of the 16 provisions where law enforcement powers were expanded, there were no allegations of misuse by the Justice Department in 14 of those 16 provisions. And when we had the hearings before the Judiciary Committee Subcommittee on Crime, we heard at least one and, in some cases, two witnesses that could come in and present any information that they wanted to present.

Now, the way we make sure that there is not government overreaching in our system of government is to give the courts the power to declare unconstitutional overreaching by government agencies. The fourth amendment is alive and well, and the Supreme Court of the United States will never allow the Congress or State legislatures to ignore the provisions of the fourth amendment.

There has been not one of the 16 expanded powers in the PATRIOT Act, signed by President Bush in October of 2001, that has been declared unconstitutional. There has been no declaration of unconstitutionality of any of those powers. But what has been declared unconstitutional was a provision on national security letters that was put in the PATRIOT Act as a renumbering, but which was enacted as a result of a bill that originated in the other body in 1986. That bill was signed by President Ronald Reagan.

To the gentleman from California, you are wrong.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I am pleased to yield 4 minutes to the distinguished ranking member of the House Committee on Intelligence, the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding me this time and I commend him for his leadership. And I am pleased to see that, so far, this debate has all been in favor of support of this motion to instruct, which I think is a very important statement for this House to make.

Madam Speaker, I take my responsibilities as ranking member of the Intelligence Committee very seriously. I spend a lot of my day and a lot of my weekend, and most of my nights thinking and dreaming about how I can add value to protecting Americans and American interests.

Earlier today, hotels in Amman, Jordan, were bombed. Over 50 people are dead, scores are wounded. The terrorists are there, and let us not make any mistake about it, they are trying to be here again. So it is absolutely correct that we need modern and appropriate legal authorities to find them, and prevent and disrupt their plans before they are able to execute them. Prevention and disruption is much better than response, and I think everyone in this Chamber is dedicated to making sure we have the right tools. That is why the PATRIOT Act passed 45 days after 9/11, overwhelmingly, and that is why the House bill passed again recently by a large margin.

However, consistent with statements that Mr. ROHRABACHER has just made, as we give these expanded authorities, we also need to assure the law-abiding public of America that we will be vigilant in supervising these authorities. Let me also add a word about national security letters, which were a provision in the PATRIOT Act, as a renumbering, but which was enacted as a result of a bill that originated in the other body in 1986. That bill was signed by President Ronald Reagan.

To the gentleman from California, you are wrong.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield 1 1/2 minutes to my colleague from Florida (Mr. MACK).

Mr. MACK. Madam Speaker, first of all, I also understand the arguments with the comments made by my colleague from California and also to state for the record that I support the motion to instruct. I also would like to thank the chairman for his comments today regarding the motion to instruct. I ran on a platform of freedom like most people did in this Congress. And I believe it was Ronald Reagan, and I am paraphrasing, who said freedom is a fragile thing that must be defended by each generation. And that is what I am here to do. That is what I am here to do today. I believe that we ought to look for other or additional sections of this bill to sunset, but I am happy to see that this Congress is taking a hard look at the provisions and the sections that have already been mentioned to ensure that the freedoms that our families enjoy and the people in this country enjoy so much will be protected.

I also understand the arguments that have been made about the oversight of the committee; and, Mr. Chairman, I know that as the chair of that committee that will be done. My concern is for future generations and to make sure that none of them have to remember that Americans enjoy today will ever be taken away from them in the future.

Madam Speaker, I rise in support of the motion to instruct. This bill makes permanent the most dangerous and intrusive provisions of the PATRIOT Act, some of which were previously sunsets provisions. The remaining two sunsetting provisions are renewed for 10 years. Ten years is not a sunset. Ten years is quasi-permanent.

These provisions are particularly worrisome because they expand the powers of the police to pry into the privacy of ordinary Americans, to go into their homes, into their papers, into their Internet records, their telephone records, their medical records, their bank records.

Reinstating the sunset is about accountability. The breadth of these provisions providing for roving wiretaps,
for sneak-and-peek searches, for invading library privacy and section 505, expanding the use of national security letters invites abuse.

The administration assures us, the chairman assures us that these provisions have not been abused. But how do we know? It is all secret. We were told repeatedly that section 215 we should not worry about; it is rarely if ever used to demand library records. Now we know why.

The Dayton Daily News, December 7, 2005, reported last Sunday that the FBI issues more than 30,000 section 505 national security letters a year, many to libraries for preliminary investigations and threat assessments before deciding whether or not to launch an investigation. These tens of thousands of invasive government demands for sensitive and private information which never even go before a judge have resulted in the collection of probably hundreds of millions of personal facts regarding innocent Americans, American residents, citizens, and businesses. And the Bush administration has decided to file all this personal information in government databases even if no basis is found for a real investigation and they will not even sell this information to private conditions.

Sunsets have been the major check, albeit probably inadequate checks, on abuse of the PATRIOT Act. They mean that at least every 4 years Congress is required to look at the law again, to revisit it, and has the opportunity to ask tough questions on the use or abuse of these powers, and most important, the administration cannot stonewall these questions except for every 4 years.

We should have to look into these burdens on our civil liberties at least one in four years and ask are these powers being abused, should they be fine tuned? Should they be narrowed? Have we got the right balance between security and liberty? What can we do to ensure that our constitutional rights are not violated?

I wish, Madam Speaker, that this motion to instruct would be broader than it is, that it kept all the sunsetting provisions from being made permanent. The FBI will still have all the powers it needs. It will simply have to hold itself accountable to Congress and the American people every 4 years about how these powers are used. Why is that so terrifically effective to Congress?

I call on all my colleagues, Democrats and Republicans, to begin to safeguard the national security, not adequately, but to begin to safeguard the civil liberties of all Americans by voting for this very, very skimpy motion to instruct.

Mr. ROHRABACHER. Madam Speaker, I yield myself the balance of my time.

The discussion today is not whether or not the Federal Government after 9/11 should have had expanded police powers and investigative authority. That is not the issue. And I voted for that expansion of the police power, just as most of my colleagues on the other side of the aisle and all of my colleagues on this side of the aisle did, almost all of my colleagues on this side of the aisle did, not the question, because when we voted for those expansions, we put in a sunset clause that after a certain number of years, 4 years, that the issues of those expanded authorities would be re-examined.

The only question at hand in the debate today is whether or not those expanded powers for wartime expansion in the war against radical Islam should be made permanent even now in this time of crisis. This is not a good strategy for free government to change permanently its law during a moment of crisis. I would vote for the PATRIOT Act again because I think that these powers that were just described are needed at this moment, even the ones that were just described by my friends on the other side of the aisle.

But that still does in no way justify permanently expanding those powers at a time when the threat is not the same anymore. The enemy is no longer here to conduct hearings that the Federal Government still has those powers perhaps for people who are less, let us say less responsible than Mr. SENSENBRNER in overseeing those expanded powers. Our Founding Fathers understood limitations on government is a guarantee of freedom. Now is not the time for us to permanently change law and permanently change policy. Mr. BOUCHER, Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip of the House.

Mr. HOYER. Madam Speaker, I thank the gentleman from Virginia and the gentleman from Virginia, and as I understand it, perhaps the chairman as well. I simply do not understand the reluctance to include sunset provisions on a law that affects the civil liberties of every American citizen.

In fact, when we reauthorized the PATRIOT Act in July, the Republican bill permanently authorized 14 of the 16 provisions. The other two provisions, the one that allows the FBI to demand business records, were extended for 10 years. Democrats fought to sunset these provisions last summer; and we do so again today, apparently successfully. And I have, upon reflection, thought that this is a better policy. Because when it comes to the government's power to intrude on the private lives of citizens, the United States Congress should not give the government unchecked power to do so.

Just last Sunday the Washington Post documented, and it has been referenced here, the hundredfold increase in the issuance of national security letters seeking information about U.S. citizens and visitors who are not even alleged to be terrorist or spies. There are terrorists. Terrorism is a serious threat, and we need to find out the response. But privacy concerns must not be casually dismissed. In fact, it was not until several sections of the PATRIOT Act were set to expire that the Justice Department began to respond to congressional pressure, and we had the opportunity to assess, examine, and recalibrate our policies.

I submit to my colleagues they have done the Justice Department carte blanche. No matter how good the leadership is in the Justice Department, it is not a policy that we ought to pursue and would be an abdication of our congressional oversight responsibility and contrary to the interests of the American people.

Madam Speaker, this motion would recede to the Senate and create a 4-year sunset on the most controversial provisions in the PATRIOT Act, orders by the secret Foreign Intelligence Surveillance Court, blank wiretap orders, and the surveillance of agents of a foreign power who act alone. This motion, in my opinion, is a step in the right direction, and I hope the Members support it.

As I said, and I will echo the comments of so many here, terrorism is an immediate and proximate threat, as we lawyers say, and we need to respond effectively to keep America safe. But in the process, we must protect the basic rights that our Founding Fathers knew were the bedrock of the United States democracy.

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

Madam Speaker, I am the author of the sunsets that were put in the PATRIOT Act that was signed by the President in October of 2001 because I agreed with my colleagues on the other side of the aisle, that we ought to look at what the Justice Department had done with those expanded powers. We have looked at those actions. We have looked at how those expanded powers have been utilized; and in 14 of the 16 cases, nobody had any complaint about how those expanded powers have been utilized.

Now, sunsets are very rare in congressional action. I am proud of the fact that I put the last 4 years ago. But what I will say is that we do not sunset a whole host of other programs. Social Security is not sunnseted, nor should it be. Amtrak is not sunnsetted, maybe it should be, but the President likes it. But I have, I am looking at the Federal criminal code and the national security letters that have been complained of by people on the other side of the aisle; they are not sunnseted. The national security letters the House passed in 1986 when, I recall, the current minority party had a significant majority in the House of Representatives.
Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from the Judiciary Committee for the wisdom of this motion, and I applaud the joining by the chairman of the full committee and offer an explanation for the reason our colleagues should join in instructing this motion to instruct, and frame it in the context of the crisis of the recent weeks, asking Congress to accept its responsibility to investigate the CIA leaks and now to investigate further the leaking of the CIA sites, particularly sites of torture, incarceration, of individuals around the world who have been charged or are alleged to have committed acts of terrorism.

It is important now to speak to the American people and argue that this motion to instruct does simply one thing. It now brings the American people into the focus of being the priority of the actions of this Congress. Yes, the PATRIOT Act in some minds has to provide us more protection. There were aspects of the PATRIOT Act that I did support. The original writing was a bipartisan product. Unfortunately, the ultimate product was not as bipartisan. But what it has to be is our responsibility to protect the American people. The 4-year sunset gives us that opportunity so that we can begin in 4 years to assess whether authorizing secret intelligence, going into libraries and getting a list of your library books, which has not been done; whether the authorizing of a blank wiretap helps or hurts the American people; whether or not the lone wolf, where you can be one individual, not part of a terrorist organization or an association or to be part of a large massive group, but one individual who may be part of, words may have suggested that they are giving some comfort to those whose views we disagree with can be hauled in as a terrorist. This sunset allows us to protect the American people. Many of us are familiar with the recent film that said “Good Night and Good Luck.” It reminded us of the days of the McCarthy era when no one seemed to want to rise to support the rights of the American people. I ask my colleagues to support this motion to instruct and sunset in 4 years so Congress can have the ability to protect the rights of the American people.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to review the provisions in the House-passed bill and the lone wolf provision that are being discussed in the House. And I support the concept of sunset; and I support the concept of the PATRIOT Act. I do not know why there seems to be a greater suspicion that law enforcement already abuses provisions under the PATRIOT Act rather than other provisions of law which are not sunset, including the national security letters, which have been appropriate, because the facts simply are not there that there has been abuse.

What I would like to ask the Members as we are debating the PATRIOT Act as it goes forward through conference and to the floor is to look at what the Justice Department has done; and where the Justice Department has done it right, the Justice Department should be told they have done it right. And that means eliminating the sunsets from those areas where it has done it right.

And where there has to be a greater scrutiny on it, such as the two provisions in the House-passed bill and the lone wolf provision that are being talked about, we can talk about future sunsets, and I support the concept of doing that.

But simply going around and painting with a broad brush the Justice Department for the potential of abuse which has not happened, I think, is unfair and does not go to the debate of whether the PATRIOT Act has actually served to protect the people of the United States without trampling on their civil liberties. It has done that. That is why it is a good law and that is why some provisions should be made permanent and some provisions should be sunsets to be looked at in the future.

Mr. Speaker, again I urge the Members to support the motion to instruct. When we come back with a conference report, I will urge the Members to support that as well.

Mr. Speaker, I yield back the balance of my time.
partnering with us and structuring this motion to instruct confernees. I want to express appreciation to the gentleman from Wisconsin (Mr. SENSENBERNRE) for his constructive comments and for his support of the motion to instruct.

The motion to instruct promotes accountability. It assures that we remain in a strong position in our oversight function. Recent history clearly shows that in the absence of a near-term sunset we will not get answers to our questions about how controversial law enforcement powers are being used. In the absence of a near-term sunset, we cannot ensure that civil liberties are being protected.

This is not a matter about what the Department of Justice has done in the past, and I differ with the gentleman from Wisconsin on this matter. This is all about what the Department of Justice may do in the future. And having near-term sunsets will ensure that we can perform oversight over that performance.

Sunsets do not prevent law enforcement from using the broad powers the PATRIOT Act confers, but sunsets promote accountability. They ensure we get the information necessary to conduct oversight and to make decisions about whether powers that are subject to abuse should be contended.

Adopt this motion, let us adopt the Senate’s 4-year sunsets and, in doing so, further the cause of protecting Americans’ civil liberties. Mr. Speaker, I urge approval of the motion to instruct.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of this motion to instruct.

The American people want us to protect them from the terrorists—but the American people also want us to protect their liberties and constitutional rights from an overreaching government.

Our system of government is made up of checks and balances and this motion to instruct only expands these checks and balances.

A review every 4 years is the right action to assure American citizens that their civil liberties are protected.

Let me close with a quote attributed to Patrick Henry:

The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government—lest it come to dominate our lives and interests.

I ask that we restore the Senate’s Sunsets in the Conference Report.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. BOUCHER).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferrees:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Messrs. SENSENBERN, COBLE, SMITH of Texas, GALLEGLY, CHABOT, JOHNSON, CONYERS, Berman, BOWEN, and NOYLER.

Provided that Mr. SCOTT of Virginia is appointed in lieu of Mr. NADLER for consideration of sections 105, 109, 111–114, 120, 121, 124, 131, and title II of the House bill, and modifications committed to conference: Mr. HOEKSTRA, Mrs. WILSON of New Mexico, and Ms. HARMAN.

From the Committee on Energy and Commerce, for consideration of sections 124 and 231 of the House bill, and modifications committed to conference: Messrs. NORWOOD, SHADEE, and DINGELL.

From the Committee on Financial Services, for consideration of section 117 of the House bill, and modifications committed to conference: Messrs. OXLEY, BACHUS, and FRANK of Massachusetts.


There was no objection.

GENERAL LEAVE

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

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

There was no objection.

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to House Resolution 540 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1751.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. SENSENBERNRE) and the gentlewoman from Texas (Ms. JACKSON–LEE) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBERNRE). Mr. SENSENBERNRE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005.

Violent attacks and intimidation against courthouse personnel and law enforcement officers present a threat to the integrity of the justice system that Congress has a duty to confront. The murder of family members of United States District Judge Joan Lefkow, the brutal slayings of Judge Rowland Barnes, his deputy sheriff, and a Federal officer in Atlanta, and the cold-blooded shootings outside the Tyler, Texas, courthouse all underscore the need to provide better protection for judges, courthouse personnel, witnesses, law enforcement and their family members.

This bill is an important bipartisan measure introduced by the gentleman from Texas (Mr. GOHME) and the gentleman from New York (Mr. WEINER). It will help address the problem of violence in and around our Nation’s courthouses.

Statistics show that aggravated assaults against police officers are a serious national problem. According to the Bureau of Justice Statistics, 52 law enforcement officers were killed in the United States in 2002 and 56 were killed in 2001. From 1994 through 2003 a total of 616 law enforcement officers were feloniously killed in the line of duty. Approximately 100 of these officers were murdered after being entraped or ambushed by their killers. These attacks are simply unacceptable.

The lives of judicial personnel are also at great risk. According to the Administrative Office of the United States Courts, Federal judges receive nearly 700 threats a year and several Federal judges require security personnel to protect them and their families from terrorist associates, violent gangs, and drug organizations and disgruntled litigants. The intimidation of judges directly assaults the impartial administration of justice our Constitution demands.

Court witnesses are also at risk. Threats and intimidation toward witnesses continue to grow, particularly at the State and local level. In 1996, a witness intimidation study by the Justice Department included that witness intimidation is a pervasive and insidious problem. No part of the country is spared and no witness can feel entirely free or safe.

Prosecutors interviewed in this study estimated that witness intimidation...