Ms. MATSUI. Mr. Speaker, I would just urge my colleagues once again to reject this conference report, and I yield back the balance of my time.

Mrs. CAPITTO. Mr. Speaker, I urge all of my colleagues to support this fair rule and the underlying legislation, whereby critical dollars will fund our Nation’s education system, health care delivery system and numerous other benefits. With this funding, low-income Americans will be better prepared for a long cold winter with the $2 billion fund in H.E.A.P. Our seniors will greatly benefit from the money provided allowing CMS to conduct outreach to our Medicare beneficiaries to sign up for the new prescription drug benefit. The $90 million included for Rural Health Delivery is vitally important to rural America. These are all important programs that will improve the way of life for countless Americans.

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

The previous question was ordered.

The Clerk read the resolution, as follows:

H. Res. 595

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

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

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 595

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

Mr. Speaker, House Resolution 595 waives all points of order against the conference report and against its consideration.

I rise today in support of House Resolution 595 and the underlying conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. Speaker, I would first like to take this opportunity to thank Chairman Sensenbrenner and King for all of their work in shepherding H.R. 3199 initially in the committee and then on the floor and now through the conference. This conference report demonstrates this Congress’s commitment to find common ground in order to move solid and important legislation for the good and safety of the American people. This conference report is the culmination of 4 years of thorough examination, representing a collaborative effort to strengthen and fine tune our law enforcement needs and civil security needs as originally provided by the 2001 USA PATRIOT Act.

Like my colleagues, I fully cherish and celebrate our constitutionally protected civil liberties, while also recognizing the need for strengthened national security with thorough and proper oversight. And this Congress has demonstrated and will continue to demonstrate a clear commitment to oversight in order to better achieve the essential and proper balance between necessary protective measures and our sacred civil liberties granted to us by the United States Constitution.

As I mentioned, when the House first considered this legislation back in July, Mr. Speaker, H.R. 3199, like most legislation considered before this House, is not perfect. In an ideal world, it would not be necessary, but today’s world is sadly far from ideal. Today, America faces a grave threat from enemies who cowardly operate in the darkness of shadows, waiting with the intent to kill innocent people in the name of their hateful ideology. Therefore, we must never again be caught with our guard down.

This Congress must act and must act decisively and deliberately to provide our law enforcement with the tools they need to protect and to save American lives, both here and abroad.

With respect to the provisions of this legislation, Mr. Speaker, this conference report will make permanent many vital law enforcement tools made available for use against suspected terrorists by the USA PATRIOT Act while establishing 4-year sunsets on a few provisions such as section 206, FISA, Foreign Intelligence Surveillance Act, multi-point wire taps, section 215, FISA business record provisions and finally, the Lone Wolf provision.

With respect to section 206, it is important to recognize that the ability to track terrorists through the use of multi point or roving wire taps is essential because law enforcement to follow a terrorist, rather than a telephone.

Mr. Speaker, terrorists are not reliant on two Dixie cups and a piece of string to coordinate and plot terrorist attacks. They have access to a universal and a vast array of communication technologies, and our laws must take this fact into account.

Additionally, this conference report, through section 215, ensures that law enforcement have the ability, under thorough and extensive oversight, let me repeat, under thorough and extensive oversight, to seek out information on terrorists without tipping them off and thereby potentially compromising security and costing lives.

Again, Mr. Speaker, it should be emphasized to all Americans that the USA PATRIOT Act did not establish any new law enforcement capabilities, rather it extended techniques long available for use against organized crime or drug trafficking to be used against suspected terrorists as well. If these are acceptable tools against some dope-pushing thug, then they should be acceptable to all who seek to destroy American lives and rip apart the very fabric of this great Nation.

Without question, this Congress must, and I trust, will continue to remain vigilant with thorough oversight to protect our Constitution, to protect our civil liberties and to protect our national security.

Mr. Speaker, I encourage all of my colleagues to support the rule and the underlying conference report, and I reserve the balance of my time.

Mr. McGovern. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume. (Mr. McGovern was asked and was given permission to revise and extend his remarks.)

Mr. McGovern. Mr. Speaker, I rise today in strong opposition to H.R. 3199. While this conference report makes some improvement to the current PATRIOT Act, it fails to address some major deficiencies, and in many ways, it makes the current situation worse.

The original intent of the PATRIOT Act was to provide our law enforcement officials with the necessary tools to make our country more secure. While maintaining national security is absolutely a necessary responsibility of Congress, it can and must be achieved without compromising our civil liberties.

Unlike the proponents of H.R. 3199, the American people do not believe that security and liberty are mutually exclusive goals. A delicate balance between enhancing security and protecting liberty needs to be present. But unfortunately, this bill before us today falls far short to achieving this appropriate balance.

Mr. Speaker, back in 2001, when the PATRIOT Act was enacted, 16 provisions were sunsetted or authorized for a certain period of time because of their controversial nature and also due to the hurried manner in which they were drafted; 14 of these 16 provisions are made permanent by this conference report. And while those of the most contentious provisions have been sunsetted for 4 years, even that is too long.

Section 215, commonly referred to as the Library Rule Provision, grossly expands the Federal government’s ability to seize records and investigate citizens’ reading habits without any notification.
Mr. Speaker, it is more than apparent that these three provisions pose a threat to American citizens’ civil liberties. And while I would rather see these provisions removed from the legislation, I am encouraged that a shorter sunset has been placed upon them.

But, unfortunately, Mr. Speaker, shorter sunsets do not do the trick. Sunsets alone do not fix the severe substantive flaws of these sections, and they fail to address the deficiencies of the 14 other provisions that are being made permanent by this report. Instead of opting to apply shorter sunset dates to these misguided provisions, Congress should be exploring appropriate ways to fix them. After all, giving the government the power to violate civil liberties is wrong regardless of whether we give the government that power for 1 year or 4 years or for 10 years.

Most notable of the deficient provisions, which was made permanent by the original PATRIOT Act, is section 505, known as the National Security Letters provision. NSLs. These NSLs are administrative subpoenas, issued by high-ranking Department of Justice officials, which force a person to turn over a wide range of personal records. Essentially, NSLs allow the FBI to conduct secret, warrantless searches of any records they deem relevant to national security.

What is most concerning about NSLs are the rate in which they are being issued and the eventual relevancy of the retrieved records. More than 30,000 NSLs are being issued a year, a hundred-fold increase since the enactment of the USA Patriot Act. Meanwhile, only a handful of NSL investigations have ever gone through the judicial process. Moreover, the FBI has surreptitiously gathered information on tens of thousands of Americans. They are maintaining databases for these citizens. And instead of deleting information on NSL recipients once an investigation is completed, the FBI is abusing this power and holding onto personal information of Americans who have never been accused of any illegal activity.

Mr. Speaker, while this conference report does require the Department of Justice to report the number of national security letters they issue, it fails to address the abuse of power and the unconstitutionality of the provision. As determined by a Federal court judge on October 4, 2005, the NSL provision was ruled to be unconstitutional. So instead of reevaluating this provision or at the very least sunsetting it, the permanent nature of this provision remains permanent and continues to infringe upon the civil liberties of the American people.

Mr. Speaker, we all must be reminded that privacy is a right guaranteed by our Constitution, not a luxury that we can simply dispense with if it becomes inconvenient to the government. Shorter sunsets and minimal regulations imposed on the Department of Justice do not cure the serious problems with these provisions. Congress needs to go back to the negotiating table, reevaluate these provisions, and come up with a report that strikes the appropriate balance between advancing security and defending our civil rights.

That is why, Mr. Speaker, I am a co-sponsor of the Sunsets Act, introduced by the ranking member of the Judiciary Committee, Mr. Conyers, extends by 3 months the 16 provisions of the PATRIOT Act set to expire at the end of this year. Extending the PATRIOT Act for 3 months would give lawmakers the opportunity to reevaluate these contentious provisions, fix them, and then issue a conference report that actually protects the civil liberties of the people of this country and the world.

I would like to share a quote from an article entitled “Going Down in History with USA PATRIOT Act,” which appeared in the November 27 edition of the Massachusetts Republican: “Unless lawmakers are prepared to revise the USA PATRIOT Act to include modest protections to safeguard civil liberties, they will go down in history as the authors of remarkably bad legislation.”

Mr. Speaker, when we in Congress authorize Federal agencies to conduct secret searches, it is our responsibility to grant them with an appropriate level of power so that abuse will not occur. It is also our responsibility to demand accountability and conduct appropriate oversight. Sadly, under this Republican leadership, neither responsibility has been fulfilled.

One final observation. We are all, every single Member of this House is committed to protecting our country from terrorism. We must adjust our laws so that they are not mutually exclusive. I am not convinced that the bill as written will enhance our national security, nor am I convinced that these broad, sweeping powers that we are now giving to our government will not be used.

In our recent history, we have seen abuse of power. We have seen civil rights leaders in this country, people who have advocated equal treatment under the law for all of our citizens, we have seen these people put under surveillance. They have been wiretapped. We have seen others who have raised their voices in dissent or who have advocated issues that are now viewed as the new patriotism. And I am convinced that they have been spied upon by our own government. So let us not give government more power than is needed.

That is my fear today, that we are going too far, that we are paving the road for more abuse, and that if we enact this bill as written, a little bit of the Liberty Tree will die.

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

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

In regard to section 215, I want to remind the gentleman that section 215, relating to investigators’ access to business records, this reauthorization requires a statement of fact showing that records or other things sought are relevant to an authorized investigation to protect against international terrorism or espionage. This provides additional safeguards to the original USA PATRIOT Act, which only certified that the records at issue were sought for an authorized investigation without any factual showing.

Mr. Speaker, I could continue with the facts. I now yield such time as he may consume to the gentleman from California (Mr. Dreier), the distinguished chairman of the Rules Committee.

[Mr. DREIER asked and was given permission to revise and extend his remarks.]

Mr. DREIER. Mr. Speaker, let me thank my friend from Georgia for yielding me this time. I listened very, very closely to the remarks offered by my good friend from Massachusetts (Mr. McGovern) and I have to say that every Member of this House is committed to the national security of the United States. That is our number one responsibility, our priority. But I will go so far as to say every single Member of this House is committed to recognizing the civil liberties of the American people.

When this issue came to the forefront just a few weeks after September 11, 2001, former Director of Central Intelligence Agency, former chairman of the House Intelligence Committee and vice chairman of the Rules Committee, our very good friend, Mr. Goss, argued that he believed we should begin with permanence at that point, and I argued then that I thought it important that we focus on sunsetting provisions in the USA PATRIOT Act. Why? Because we were looking at this issue literally weeks after the worst attack on our country.

So, Mr. Speaker, as we moved ahead, we said we should have these sunset provisions, and we put them into place, and they were very important and
Mr. KUCINICH. Mr. Speaker, in response to my good friend from California who said there must be sacrifices and sacrifices have been made, I would remind Members of the words of Benjamin Franklin who once said that those who would give up their essential liberties to be sure of security deserve neither.

The tragedy of 9/11 led to the PATRIOT Act, and then it led to a war against Iraq. Fear and suspicion led the U.S. to fall back our civil liberties and assault a nation that did not attack us. We have become a Nation of leaders, some of whom have condoned torture and illegal detentions. Fear and suspicion have driven us to that. We need a different type of leadership so the American people could have been spared the effects of 9/11. It could have been different. But, no. We are here today trying to appeal to people to let go of their fear and suspicion because an open review of the FBI's use of the PATRIOT Act surely find many areas in need of reform.

A careful balance between national security needs and protecting American rights must be struck, but that is not what we have here. Today we are witnessing a new round of democracy rollbacks. American citizens are losing more of their free speech rights and privacy rights. The authors of today's bill inserted a very weak and loophole-ridden right to judicial review of government actions. The American public is not served by such minimal accommodation.

Today, the House will ignore more than 400 local communities and seven States that have passed resolutions asking for PATRIOT Act reform. This legislation fails to provide reasonable sunset provisions that guarantee future congressional review. The bill retains 4-year sunsets for only two of the 16 PATRIOT Act provisions and only one of two expiring provisions in the 2004 Intelligence Reform Act. All other intrusive powers are either made permanent or remain permanent.

This bill continues to allow roving wiretaps that permit Federal agents to tap communications of a target where neither the target nor the phone is identified. Criminal wiretaps require one or the other, and the 10-day after-the-fact notice requirement is no substitute for privacy safeguards in the criminal justice system.

The bill continues to permit sneak-and-peak searches of a person's home or business to remain secret indefinitely. It drops a Senate provision supported by the Chamber of Commerce, conservatives, libraries, civil liberties organizations that set limits on secret court orders for library, medical, and other personal records. Instead, the bill establishes a false right to judicial review. A recipient must challenge before the court orders for library, medical, and other personal records. Instead, the bill establishes a false right to judicial review. A recipient must challenge before the court orders for library, medical, and other personal records. Instead, the bill establishes a false right to judicial review. A recipient must challenge before the court orders for library, medical, and other personal records.

So people have to essentially fight for their rights to be free of the scourge of wiretaps and to be free of the scourge of having the FBI reach into their library records, their reading records, their medical records.

What is going on in this country? It is not the America that it used to be. It has become something that is hard to recognize for many Americans.

Vote against this bill.

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

Mr. Speaker, I would like to remind the gentleman that in the original bill that we considered, H.R. 3199, which of his colleagues supported, there were sunset provisions not in two, but in three, sections that were of 10 years' duration. In their motion to instruct the conferees, the request was to abide by the Senate bill, which would lower those to 4 years each. So that is exactly what we are bringing back in the conference report, exactly what they asked for.

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

Mrs. CAPITO. Mr. Speaker, I rise today in support of the rule and the underlying PATRIOT Act reauthorization. I would like to take a minute to highlight two aspects of this legislation that we probably will not hear a whole lot about today, but are very important to me.

I am pleased that the conference report includes the amendment that I introduced and which passed the House 362-66 to increase penalties and update outdated laws to protect our rail and mass transportation systems. This provision, section 110 of the conference report, will ensure that those who conspire to commit acts against our rail systems or fund such attacks can be prosecuted to the fullest extent of the law.

While no penalties can deter some of these terrorists bent on causing death and destruction, these enhanced penalties on conspirators will hinder the efforts of terrorists to secure and finance their networks.

The attacks on the rail systems in Madrid and in the London Underground have demonstrated the real threat that rail and mass transit systems face. I would like to thank Chairman SENSENBERNENNER and all the Members who supported this important provision to add another layer of protection to America's rail systems.

Also I want to commend the conferees for including anti-meth legislation in the conference report. Methamphetamine is a large and growing problem in rural America. In West Virginia, meth labs have been found in neighborhoods, endangering children and destroying entire communities. Provisions of this bill enhance penalties for those who run meth labs in the presence of children.
with this conference report Congress blindly reauthorizes and makes permanent many of these same powers.

In fact, through the cracks in DOJ’s veil of secrecy, we’ve begun to find some information about the PATRIOT Act. We’ve found out from whistleblowers that more than 30,000 national security letters each year. These are tens of thousands of letters, never reviewed by a judge, demanding information on countless people, the vast majority of whom may be Americans innocent of any terrorist activity. We don’t know how many private lives be swept up in these NSLs, because DOJ won’t tell us.

This bill does not correct the problems with national security letters. It creates a new process for judicial review, but leaves that review subject to an extremely vague standard. There are no requirements for law enforcement to “minimize” its collection of NSLs; that is, there’s no requirement for DOJ to segregate the vast amount of information collected on innocent Americans unconnected to any terrorist activity. An audit is provided which would allow DOJ to block the collection of information on Americans without providing any standard.

This bill also adopts too weak a standard for law enforcement to engage in business records searches under section 215 of the PATRIOT Act. The Territory is unilaterally imposed what I thought was a very reasonable standard for law enforcement to meet in order to conduct these searches. The Senate required that these searches actually be relevant to an ongoing terrorism investigation and related to the activities of an agent of a foreign power. But the conference report adopts a presumption of relevance that would essentially tie judges’ hands and force them to grant any requested searches.

Adoption of 4-year, rather than 7-year, sunsets on three provisions regarding business records searches, roving wiretaps, and so-called “lone wolf” terrorists acting as agents of foreign powers is possible. Frankly, I would have liked to see 4-year sunsets applied to more provisions of the PATRIOT Act, such as the provisions regarding NSLs. I believe these sunsets provide Congress an important opportunity to review how the PATRIOT Act is actually being used. Given how reluctant DOJ has been to share information with us, these sunsets really provide the main source of leverage. Congress has given the Department of Justice to obtain information we should be provided as an equal branch of government.

Mr. Speaker, I’m very disappointed that this legislation has removed the provisions we passed in 2001 has been the sharing of information between criminal investigators and intelligence officials it enabled. I support authorizing the FBI to use its sharing capability in the original PATRIOT Act, and I support its reauthorization today. But this conference report on reauthorization of the USA PATRIOT Act fails in important ways.

Following the attacks of 9/11, this Congress passed the USA PATRIOT Act to give our law enforcement and intelligence agencies new powers to fight terrorism. I voted for that law, but only after securing support for sunset provisions that allowed this Congress to revisit these issues under less trying circumstances. Congress debated its job in providing us the information we need to properly evaluate the PATRIOT Act. Nor has the Bush administration done its job in providing us the information we need to properly evaluate the PATRIOT Act. This is vital information about DOJ’s actual use of PATRIOT Act powers, information which DOJ steadfastly refuses to provide. Yet
on the other hand, using this war as an excuse, a PATRIOT Act was passed that recklessly violates our civil liberties and attacks the very freedoms our troops in Iraq are told that they are fighting to protect.

The administration, and the leadership in this House are standing in has tried every trick in the book to spread the blame, pass the buck on this misguided war. They continue to filter the debate in our very own country and to discredit those who disagree with them.

This bill they want us to pass today would continue to limit our constitutional freedoms in our very own country. Though they did not seem to care one bit about the facts before 9/11, they now believe the United States will benefit from hoarding insignificant and ill-gotten information on innocent Americans. They believe that this makes us a safer Nation.

If you want to talk about dishonesty, look at this administration’s policies that have led us to ignore facts in order to manipulate the very policies that fly in the face of our own honesty, and this is an administration that also pays for “canned” news overseas.

There have been those who stand up and question the misleading intelligence and dishonest tactics that got us into this war, those who have challenged the PATRIOT Act and its impact on the civil rights and civil liberties of every American. Actually, it is patriotic to question how the PATRIOT Act affects the very rights that make us a free country.

One of the innocent results here, though, of fighting war and the prosecution of terrorists is that some children that are left in these homes. My colleague from Tennessee, a Democrat from Nashville, Jim Cooper, wrote legislation, and I was the original Republican cosponsor, that creates a provision for the Department of Justice for the next 2 years to deal with the children that come out of these meth homes.

Over 10,000 children nationally between 2000 and 2003 came out of these meth homes and became wards of the State. In my State, 750 alone so far are wards of the State. There was no social service network for these children. This creates that.

So we are not just attacking the problem, but we are dealing with the aftermath of this deadly plague on America called methamphetamine production. It is so responsible to include it.

A second on the PATRIOT Act. In ordinary circumstances, it might not be necessary. These are extraordinary circumstances, and it has been necessary. The facts do not lie. If you listen to the testimony of the attorneys general and the prosecutors and you hear the cases, you know the PATRIOT Act has definitely kept our country safer, safer, since September 11.

We need to reauthorize it. We need to be realistic. We cannot just pander or engage in mythological discussions. Deal with the realities. We have to do certain things and communicate better. The law enforcement personnel have to have the tools and equipment to safeguard our country from those terrorists. This is the reality that we face today. We can change this later if we need to. Today, we need to reauthorize it and keep the teeth in Federal law enforcement and keep the terrorists out of our country.

Vote “no” on this PATRIOT Act.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just want to remind my colleagues that prior to 9/11 and before the USA PATRIOT Act in 2001, we had this culture and legal problem where law enforcement could not communicate whatsoever with intelligence. This bill enabled us to finally, finally connect the dots. I think this is very important for all of us to keep in mind.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee.

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

Mr. WAMP. Mr. Speaker, I thank the gentleman from Georgia, and I thank the chairman and Chairman SOUDER for not only bringing the PATRIOT Act reauthorization to the floor but including these important meth provisions in this legislation.

In Central Tennessee, over 10 years ago meth production showed up in a real ugly way and spread like moonshine of 50 years ago, but 100 times more lethal, through the mountains and the hills. We attacked it with a comprehensive state-Federal-local partnership called the Southeast Tennessee Meth Task Force and that grew into the East Tennessee Meth Task Force, and now it is a statewide, state-of-the-art, frankly, national model for how to combat this problem; and we were second in the country last year in lab seizures.

One of the innocent results here, though, of fighting war and the prosecution of terrorists is that some children that are left in these homes. My colleague from Tennessee, a Democrat from Nashville, Jim Cooper, wrote legislation, and I was the original Republican cosponsor, that creates a provision for the Department of Justice for the next 2 years to deal with the children that come out of these meth homes.

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Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, I rise in strong opposition to this conference report. All of us are in agreement that the United States government must do everything it can do to effectively fight terrorism and protect the American people from another terrorist attack. There is no debate about that. But some of us believe that with strong, well-trained and well-funded law enforcement, we can in fact protect the American people without undermining the constitutional rights that make us a free country.

In that regard, I am happy to say that the迪plomatic and political perspectives, people who usually agree on nothing but who have come together to protect the Constitutional rights of the American people as we fight terrorism.

We should be very proud that, on this issue, such diverse groups as the ACLU, the American Conservative Union, the Gun Owners of America, the U.S. Chamber of Commerce, the American Library Association and the American Book Sellers Association have come together to say to Congress, please support the Senate version. And this is a message that I hope all Members heed.

The simple fact of the matter is that the original Senate bill is a far better piece of legislation than what we are looking at today, and that is the legislation that we should pass.

Mr. Speaker, day after day, we hear the Republican leadership telling us about the virtues of small and limited government, about how we have got to deregulate almost everything and get government out of our lives. In that regard, are my Republican friends really comfortable with allowing the FBI to access Americans’ reading records, gun records, medical records and financial records without judicial approval; allowing the FBI to search someone’s computer; allowing the FBI to go after Mafia dons and drug dealers without telling that person about the search; allowing the FBI to serve a librarian or a bookstore owner with a section 215 order demanding records without having to provide facts that a magistrate would have a reasonable basis to believe is involved in a terrorist investigation? Please vote no on this conference report.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER), a member of the Education and Workforce Committee.

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

Mr. Speaker, reauthorizing the PATRIOT Act before it expires on December 14th is literally a matter of life or death because it is helping us to win the war on terrorism.

Since we passed the PATRIOT Act in 2001, we have convicted 212 terrorists, and we have frozen $136 million in terrorist assets. Passing the PATRIOT Act is purely a matter of common sense. Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers? Is it not common sense that we now share data between the intelligence community and the law enforcement community? Is it not common sense that we can now track deadly terrorists even though they cross jurisdictional lines or switch cell phones? Is it not common sense that Members of Congress want to postpone this legislation or even filibuster it. The worst thing that these critics can say about the PATRIOT Act is that supposedly law-abiding citizens will have their book store and library records and phone records and credit card records monitored. That is a totally bogus allegation. In reality, a prosecutor seeking this information must go before a federal judge, get a
court order and prove that it is a matter of international terrorism. Now, how many times has that happened since we first passed the PATRIOT Act in 2001? Exactly zero according to the U.S. Attorney General.

I urge my colleagues to vote yes on the PATRIOT Act and yes on the underlying rule.

Mr. McGovern. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Doggett).

Mr. Doggett. Mr. Speaker, true patriots need not hide behind the flag nor apply phony titles to cover the misguided purposes of their legislation.

From its origin, this grossly misnamed PATRIOT Act has cloaked its weaknesses by implying that its opponents are “un-patriots” as in “un-patriotic.” This is all part of a troubling pattern: secret prisons, sneak and peek searches, gag orders, redefining torture to exclude cruel and degrading punishment, extraordinary rendition, combining terror records and attempting to misuse our military to spy on religious groups.

These acts degrade our American values. This bill should be rejected because it fails to strike the proper balance between security we demand and the liberties that we cherish.

Yes, Vice President Cheney has suddenly emerged from his secure, undisclosed location and taken pause from his campaign to pander towards his order I enthusiastically embrace today’s bill. But intrusive, invasive powers in the hands of a few with little oversight and no accountability is a formula for wrongdoing. We should not surrender our liberties to any Administration. Retreating to such abusive tactics is weakness, not strength.

We should not add even more powers to an Administration that has so often been willing to abuse its existing power, nor should we add more authority and power to an Administration that has acted in authoritarian ways. Real patriots understand that an all-powerful government can undermine our security just as surely as a dangerous religious fanatic.

And all of this is occurring when the bipartisan 9/11 Commission, the citizens’ commission that this Administration fought every step of the way, is giving the Administration and this Republican Congress one F for failing to reallocate the amount of intelligence spending to the terrorists. So if that is the kind of report card he is talking about, then I am proud of that F.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Rohrabacher).

Mr. Rohrabacher. Mr. Speaker, I rise in support of this rule but in opposition to the underlying bill, the so-called PATRIOT Act, the USA PATRIOT Act.

I supported the PATRIOT Act when it was first passed and would do so again. I support the war on radical Islam. Our country is under attack and under grave threat. But my original support was on the inclusion of 4-year sunsets in those sections of the PATRIOT Act, those sections that drastically expanded the police and investigative powers of the Federal Government.

That is what was included in the original PATRIOT Act. Instead, the current legislation before us makes permanent the expansion of police powers which were meant to be only temporary until this war was over. Of the 16 sunset provisions, sections sunsetted in the original 2001 bill, the current conference committee report establishes 4-year sunsets on only two of those 16. The rest of the expanded police powers are being made permanent, the most drastic permanent expansion of the bill. While the section 213, the secret, sneak and peek section; the section 205, the secret search section; and section 214, which permanently eliminates probable cause needed for the use of eavesdropping devices.

I would support redoubling the PATRIOT Act as originally came forward. As the war on terrorism continues, I can support these expanded powers. However, this effort to use the war as a way to alter forever the balance of personal liberty and legitimate restraints on government power should be defeated. Long after the war on terrorism is won, under permanent sneak-and-peek rules, American citizens will have their homes and businesses searched without court order and without legal notification for a month after that search is conducted. Long after the threat of Islamic extremism is over, under permanent secret search rules, Americans will have their business records, phone records, credit records searched without a judge issuing a warrant based on probable cause. Long after the crisis we face today, under permanent eavesdropping rules, American citizens will have their phone conversations monitored without a warrant.

There is no excuse in peacetime to give our police and our investigative agencies wartime powers, and that is what these are doing. There have been a few improvements in the bill but not enough improvements, as far as I am concerned, for us to support it. My central theme has always been based on the need for periodic review by Congress of all those dramatic expansions of police power that are giving our government now in order to win this war on terrorism. This is best achieved by sunsets. We should not live in peacetime under the extraordinary laws passed during times of war and crisis. Emergency powers of investigation should not become the standard.

Let me just note that I think people will rue the day if we give the Federal Government this permanent power over our lives.

Mr. McGovern. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. Lowey).

Mrs. Lowey. Mr. Speaker, I am deeply disappointed that the conference report, among other things, does not include an amendment that I offered with Mr. Snead to alter the first responder funding formula in the original PATRIOT Act. This provision would have allocated Homeland Security resources on the basis of risk. Under the original PATRIOT Act, zero percent of formula grants are distributed on the basis of risk. Under the House proposal, at least 84 percent and up to 100 percent of funding would be risk-based, ensuring that we spend our resources to address the greatest threats our Nation faces.

This long overdue change has been approved by the House on three separate occasions, including in a stand-alone bill that passed by a vote of 409 to 10 in May. While the Senate has rejected this commonsense reform, the administration supports it, as does the 9/11 Commission. In a recent report, the Commission gave the government an F for failing to allocate funding where it is needed but stipulated that we can earn an A if the House provisions in the PATRIOT Act reauthorization bill are accepted. As Commission Chairman Kean stated last week, “It is time for senators to exercise leadership and do the right thing for our Nation’s security by passing the risk-based funding reform in the PATRIOT Act.”

The Senate failed to exercise leadership. We have therefore missed a golden opportunity to improve our Nation’s security. We cannot back down from this fight. But we must demand that the Senate accept our proposal in any future Homeland Security legislation. I hope my colleagues will join me.

Mr. Gingrey. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Souder).

Mr. Souder. Mr. Speaker, I rise in support of the PATRIOT Act and, in particular, title VII of that report, the
Combat Methamphetamine Epidemic Act of 2005. This is certainly the biggest, and last night we passed Chair- 
man BOEHLERT and Congressman GORDON’s environmental meth bill, but this is the biggest comprehensive bill on meth ever had in front of the United States Congress, and it is important that we pass this.

I want to thank a number of people. It is impossible to thank everybody who has been involved in this, but I would like to thank Chairman SENSENBRENNER of the Judiciary Committee for his co-sponsorship and his willingness to put this in a conference report. If we did not have this in a conference report, it would not see the light of day. We have had the pharmaceutical companies attack this bill. We have had the Mexico and China lobbies attack this bill. We have had the pro-drug groups attack the law enforcement provisions. It would not go through the other body. It is not even clear that I could get it to another bill at this point. Yet, it is the only bill standing, and it is a bipartisan effort to try to address this scourge that is crossing the country. I thank Chairman SENSENBRENNER; also Majority Leader REY BLUNT, who has been an early leader in this charge; Chairman BARTON of the Energy and Commerce Committee for his willingness to have this move on this conference report; Chairman HYDE of the International Relations Committee because it has International Jurisdictions for and for his support; Chairman YOUNG of the Transportation and Infrastructure Committee; Chairman COBLE of the Judici- ary Subcommittee on Crime; Chairman FRANK WOLF of the Appropriations Subcommittee on Science, Commerce, Justice and State, because, without all of their help, we would not have this bill in front of us.

I would also thank the several Members who have worked so hard to make this comprehensive anti-meth legisla- tion happen. In particular, I would like to thank Representatives MARK KENNEDY, DARLENE HOOLEY of Oregon, DAVE REICHERT and JOHN PETERSON, because they provided much of the content of this comprehensive bill and their consistently strong leadership on the House floor.

I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Represent- ative RICK LARSEN, Representative KEN CALVERT, Representative LEONARD BOSWELL, and Representative CHRIS CANNON, for their and their staffs’ assistance and support. And to every other Member who has cosponsored either H.R. 3889, or the other major bill incor- porated in this conference report, the Combat Meth Act of 2005, H.R. 314, I express my deep appreciation.

I don’t have to tell any of you how serious a threat meth is for our communities; pick up almost any newspaper or magazine these days and you can read about it firsthand. As chairman of the Government Reform Commit- tee’s Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have held 11 hearings on the meth epidemic since 2001, not only in Washington, DC, but in places as diverse as rural Arkansas, Ohio, Oregon, and Indiana, suburban Minnesota, island of Hawaii, and urban Detroit. There are regional and national variations on the problem, of course, but one thing remains constant everywhere: This is a drug almost unique in its combination of cheapness, ease of manufacture, and dev- astating impact on the user and his or her community.

There are three aspects of the meth epi- demic that I believe need to be emphasized as Congress prepares to enact this legislation. First, meth presents unique challenges to Fed- eral, State, and local law enforcement. The small, clandestine meth labs that have spread worldwide produce toxic chemical byproducts that endanger officers’ lives, tie up law enforcement resources for hours or even days, and cost tremendous amounts of money to clean up. That, com- bined with the rise in criminal behavior, child and citizen endangerment, and other effects, have made meth the number one drug prob- lem for the Nation’s local law enforcement agencies, according to a study released over the summer by the National Association of Counties.

Second, the damage this drug causes is not confined to the addict alone; it has terrible ef- fects on everyone around the user, particularly children. Another survey by the National Asso- ciation of Counties found that 40 percent of child welfare agencies reported an increase in “child welfare placements in the past year.” This abuse unfortunately in- cludes physical and mental trauma, and even sexual abuse. Sixty-nine percent of county so- cial service agencies have indicated that they have had to provide additional, specialized training for their welfare system workers and have had to develop new and special proto- cols for workers to address the special needs of the children affected by methamphetamine. Community health and human services, as well as child welfare services such as foster- care, are being overwhelmed as a result of meth.

Finally, the meth threat is not confined to the small, local labs, but extends well beyond our borders to the “super labs” controlled by large, sophisticated Mexican drug trafficking organizations, and the international trade in pseudoephedrine and other precursor chemi- cals fueling those super labs. Three-quarters or more of our Nation’s meth supply is con- trolled by those large organizations, and over half of our meth comes directly from Mexico.

The Combat Methamphetamine Epidemic Act will be the first legislation enacted by Con- gress that addresses all three of these critical aspects. Previous acts of Congress have ad- dressed meth production and precursor chem- ical diversion, while others have provided as- sistance to State and local agencies; for the first time, however, we are tackling domestic and international chemical diversion, assist- ance to State and local agencies, child and family welfare issues, and the criminal produc- tion of meth.

The conference committee has filed a de- tailed section-by-section analysis of the legis- lation, so I will only briefly mention the high- lights of this bill. Among other things, the act would:

Require all pseudoephedrine, ephedrine, and phenylpropanolamine products to be stored behind the counter or in a locked cabi- net, impose a daily and a monthly purchase limit, require purchasers to show I.D. and sign a logbook; and require training of all employ- ees handling the products;

Close a number of loopholes in existing im- port, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no over- supply leads to diversion and regulation of the wholesale “spot market”;

Require reporting of major meth precursor exporters and importers, and would hold them accountable for their efforts to prevent diver- sion to meth production;

Toughen Federal penalties against meth traffickers and smugglers because of meth.

Authorize the “Meth Hot Spots” program, as well as increase funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth.
Each of these steps is vital to our success in the fight against meth, and I hope that the House will support them.

Mr. Speaker, this bill was a true compromise—both between the two parties, and between this House and the other body. Of all the measures Congress was asked to consider on this legislation, no one got everything he or she wanted. But what we did get was an excellent bill that will re-energize our fight against methamphetamine. Every one of us, Republican or Democrat, urban or rural, has a stake in the outcome of that fight. We have to stop the meth epidemic from spreading, and we need to start rolling it back. I believe that this legislation will be an important step in that process, and I urge my colleagues to vote for its passage.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. Udall).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. I rise today in opposition to the PATRIOT Act reauthorization conference report. As a former Federal prosecutor and New Mexico Attorney General, I am familiar with both the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. I am also a strong supporter of civil liberties and believe that our Constitution must be guarded against encroachment even in the name of security.

On October 24, 2001, a justified sense of urgency resulted in an unjustifiably rushed vote on the PATRIOT Act.

Many of us had little time to study the bill which became law. A bipartisan bill was junked by the majority’s Rules Committee in the middle of the night. Since this legislation was enacted, over 385 cities, towns, and counties in 43 States passed resolutions concerning the PATRIOT Act. In New Mexico alone, 10 cities and four counties have adopted resolutions calling for reform. I have received thousands of letters from Americans worried about excessive government power without judicial oversight.

I had hoped during the conference committee Senate provisions granting more congressional oversight and constitutional protections would have been kept in this bill. The Senate version contained greater restrictions on the government’s power and required higher standards for record demands. However, the conference report is more of the same. It extends for 4 years two of the most controversial provisions of the bill, including the section granting law enforcement authorities unprecedented power to search library and bookstore records without probable cause or the need for search warrants.

This bill also makes permanent 14 provisions of the PATRIOT Act that were to expire this year. This bill has serious problems.

National security letters are out of control, with no meaningful oversight. It has been reported that 30,000 national security letters are issued every year. These letters allow the government to collect almost limitless sensitive, personal information without judicial approval. We should target this government power against terrorists, not against innocent people.

I will vote against this bill today, not because I oppose the PATRIOT Act in its entirety but because I believe that the needs of law enforcement can be met without eroding our liberties.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. Osborne).

Mr. OSBORNE. Madam Speaker, the crippling reach of methamphetamine abuse has become the Nation’s leading drug problem today, and this is according to a survey by 500 sheriffs departments in 45 States.

It is cheap to buy. It is easy to make. It is available everywhere. It is highly addictive. Oftentimes it is addictive to the point of replacing cocaine and heroin in many parts of the country. It leads to increased crime, child abuse, increases in the jail population. In many parts of the country, almost 40 to 50 percent of the jail population is due to methamphetamine abuse.

However, the main problem anymore is not the mom-and-pop meth lab out in the countryside. It is the superlabs. Right now 60 to 85 percent of the meth in the United States is coming from superlabs in Mexico, and this is really hard to trace. It is hard to get at.

The one thing that is needed to make methamphetamine is pseudoephedrine or ephedrine, and this is manufactured in only six or seven locations around the world: Czechoslovakia, Germany, China, southeast Asia and so on. This bill would make it more difficult for meth manufacturers to obtain the pseudoephedrine necessary for producing the superlabs.

H.R. 3199 includes language the House passed earlier as part of the Foreign Operations authorization bill. It identifies and publicizes the five countries which have the highest rate of diversion of pseudoephedrine to manufacturers of meth. We can get the invoices from these manufacturers. The Department of State could then use its existing authority to reduce or eliminate U.S. foreign aid to those countries which are most contributing to the meth problem. This is one thing that gets people’s attention, when you take their foreign aid away, because they are producing meth that is being used in these superlabs.

It is a good bill but it gets to the source of the problem. I want to thank Chairman Sensenbrenner and particularly Chairman Souder for their hard work on this bill, and I urge support of the underlying legislation.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DeFazio).

Mr. DEFAZIO. I thank the gentleman for yielding.

Listeners should realize that truth is not required in debate on the floor of the House. The chairman of the Rules Committee stood up here and said there has not been one complaint about the use of the PATRIOT Act, or the abuse. He should talk to Brandon Mayfield from Oregon who was considered to be a perpetrator of the Madrid bombing and they used the PATRIOT Act to accumulate the non-evidence about him. The government has subsequently apologized, and he sues the government, but I guess that is not a complaint.

Maybe we are not hearing the complaints because librarians, bookstore owners, and business owners can themselves be prosecuted if they tell anybody that there was an unwarranted gathering of records about innocent Americans from them. So, yeah, I guess there is sort of a dearth of complaints.

Then there is the other gentleman. He said, well, we can change this later. We heard that when we passed the first PATRIOT Act, which no Member of the House of Representatives had read, at 10 o’clock in the morning with one copy available on each side of the aisle. We said it sunsets; you can change it later. Now is later. It is time to change it. Guess what? They say well, no, we can’t change it now; we might change it later after we make it permanent now. Before it was temporary; we are making it permanent, maybe we will change it later.

Come on. Let’s be honest about this debate. You are jamming this through on behalf of the White House and the Attorney General. They want this. It is bad legislation. It threatens the civil liberties of Americans, and I believe it will impinge on our investigation and finding of terrorists.

These national security letters, 30,000 national security letters, gathering more and more of our private records of innocent Americans. In the past, that would have to be discarded. Now they say, well, we’re going to keep it; but don’t worry, all the information we’re going to accumulate about people, innocent Americans, is going to go into a databank; but it will only be available to the Federal Government, State government, local governments, tribal governments and appropriate private entities. I guess there is one person in America who might not be able to tap into this databank.

This is going to create such a huge haystack of irrelevant information about the lives of innocent Americans that the FBI, who had one terrorist in hand, Musawi, and had an agent in Arizona pointing at the plot, could not even see their hand in front of their face. Now we are going to create a huge mountain of irrelevant data about innocent people and this is somehow going to improve how they perform in finding terrorists in America? I don’t think so.

Then the most cynical thing about this bill is to take a meritorious bill
Madam Speaker, I rise in total opposition to this rule and to the reauthorization of this unpatriotic act. We should be repealing these undemocratic provisions, not expanding government’s reach into the private lives of the American people.

Since 2001, the PATRIOT Act has been used more than 150 times to secretly search private homes, and nearly 90 percent of those cases had nothing to do with terrorism.

Americans have rejected provisions in this legislation like sneak-and-peek searches, national security letters, and roving John Doe wiretaps.

Under this renewal, we will see more of the same. Private residences, libraries, businesses, medical records, not even your DNA, are safe from the PATRIOT Act.

I now understand why many have called this bill yet another Big Brother attack.

Requiring an A on the 9/11 Commission recommendations instead of Ds and Fs is how we protect the American people from terrorist attacks, not taking away our civil liberties, which this unpatriotic bill is.

Preserving medical privacy, the right to read and congressional oversight should not be partisan issues, Madam Speaker. Our constituents deserve better. I hope that we all vote no on this rule and vote no on this very unpatriotic PATRIOT Act as they call it.

Mr. GINGREY. Madam Speaker, I yield to myself 15 seconds and want to remind the gentlewoman from California that under this reauthorization, the USA PATRIOT Act, we are not utilizing powers that were not already granted to the Federal Government in regard to crime prevention and drug lords and organized crime. We are just applying it to terrorists.

Madam Speaker, I continue to reserve the balance of my time.

Mr. McGovern. Madam Speaker, may I inquire of the gentleman from Georgia how many more speakers he has?

Mr. GINGREY. I have no more speakers.

Mr. McGovern. Madam Speaker, I will close for our side.

Madam Speaker, this bill overreaches. It paves the way for abuse and is a potential threat to innocent, law-abiding citizens. We are not a police state, and what makes us different from so many others is our freedom and our respect for basic civil liberties and our respect for privacy.

I understand the urge of some to embrace this legislation; but let me remind you that every time you chip away at our civil liberties, you give the terrorists a victory. You take away something that is essential to who we are as Americans.

Let us adjust and enhance our laws accordingly, to give law enforcement officials what they need; but let us not give them more than what they need.

This bill puts us on a dangerous path. There are over 150 provisions in this bill that are noncontroversial, that everybody agrees on, that will help track down terrorists and criminals; but there are a few provisions that so cross the line that they threaten our privacy and our civil liberties and do not make us safer.

We can defend our country: we can protect our people without trashing the Constitution.

With that, Madam Speaker, I urge my colleagues to vote no on this bill.

Madam Speaker, I yield back the balance of my time.

Mr. GINGREY. Madam Speaker, I will close this debate by again thanking Chairmen SENSENBIERER and King for their work on this important conference report.

This bill is a testament to our open legislative process. Conservatives, liberals, moderates, Democrats, Republicans, Independents, the ACLU, the Department of Justice and various other organizations have all had the opportunity to voice their thoughts and concerns on the underlying bill.

I believe, Madam Speaker, the final product is solid and legal, does not violate our constitutional rights guaranteed by the fourth amendment, and will serve as an important framework to fight terrorism, protect civil liberties and thereby further strengthen America.

Again, I want to encourage all of my colleagues on both sides of the aisle to support both the rule and the underlying bill.

Madam 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. SENSENBIERER. Madam Speaker, pursuant to House Resolution 595, I call up the conference report on the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. Biggert). Pursuant to rule XXII, the conference report is considered read. (For conference report and statement, see proceedings of the House of December 8, 2005, at page H1279.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBIERER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBIERER. Madam Speaker, pursuant to rule XXII, the conference report is considered read. (For conference report and statement, see proceedings of the House of December 8, 2005, at page H1279.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBIERER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.
There was no objection.

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

Madam Speaker, my staff has prepared for me an opening statement on this subject and I am going to put that opening statement in the RECORD and not read it, because after listening to the debate on the rule that was just concluded, the amount of misinformation and misleading information that has been placed in the CONGRESSIONAL RECORD relating to the USA PATRIOT Act is just absolutely astounding.

First of all, let me say that when the original PATRIOT Act was enacted in October of 2001, there were expanded powers that were given to law enforcement in 16 sections, and I was the person that insisted upon a 4-year sunset being placed on each and every one of the powers of law enforcement that were expanded. I was successful in that effort, and we have had this sunset, during which time the Judiciary Committee has conducted vigorous oversight.

I have heard allegations that have been made on the other side of the aisle that there has been no oversight by the Judiciary Committee and that we are lacking and that we were negligent in doing the oversight. Madam Speaker, this is the written record of the oversight that has taken place over the last 4 years. I would submit that there has been no other provision of current law that has been subjected to as extensive oversight as the Judiciary Committee has done on a bipartisan basis on the USA PATRIOT Act.

How have we done this oversight? We have done this oversight through letters to the Department of Justice, usually cosigned by the gentleman from Michigan (Mr. CONYERS) and myself. And when the Department of Justice has been nonresponsive, we have been like the crabby professors asking them to do it again and again until they get it right and to disclose the information that Congress is entitled to.

The Judiciary Committee has done oversight through hearings beginning in 2003. Those records are open to the public. The Judiciary Committee and its Subcommittee on Crime, Terrorism and Homeland Security has done oversight through briefings. Those briefings have been open to Members of both parties.

And when we came up to the reauthorization process, I would remind you, Madam Speaker, and the Members of the House of Representatives, that I strongly opposed a premature striking of the sunset or extending the sunset in the last Congress. And I said that, when the time came to do the reauthorization, the Judiciary Committee would deal with the reauthorization on a section-by-section basis. We did that. I fulfilled that promise. There were 12 hearings going to put into the RECORD the chronology of those hearings and who testified at those hearings, many of whom were witnesses that the minority asked to have testify and who did.

Now, what came out of this? It came out of the testimony, including participation by minority witnesses, that 14 of the 16 sunsetting sections were noncontroversial in both the committee and this House and the other body made those sections permanent because there was no need for a sunsets review. A few minutes ago, we heard allegations that this was irresponsible. National Security letters, that this was the responsible thing to do.

The two sections that were passed in 2001 that were not made permanent related to section 215, the business records or so-called library provisions, and the so-called multipoint wiretaps or roving wiretaps in section 206. In both section 215 and in section 206, we have put in this conference report additional restrictions that protect civil liberties. They have been subjected to a 4-year sunset, as requested by the Senate, rather than a 10-year sunset in the House-passed bill. And if anybody is interested in going into detail as to what those additional protections consist of, I will be happy to do that at a later time.

The section provision that is sunsetting in this bill was not put in the original USA PATRIOT Act, it was put in the intelligence bill that was enacted about a year ago. That involved expanding law enforcement powers in the so-called lone wolf terrorist. That is also subjected to a 4-year sunset so we can see what happens in terms of how the Justice Department and law enforcement deals with the issues.

Now, what did all of this oversight disclose? First of all, it disclosed that none of the 16 provisions where law enforcement powers were expanded has been declared unconstitutional by any Federal Court whatsoever. There was a finding of unconstitutionality relative to the National Security Letters provision of law. But the National Security Letters provision of law was not passed in the PATRIOT Act. It was passed in 1986, 15 years before September 11, in a bill that was written by a member of the other body who has been very critical of this conference report.

We are concerned about National Security Letters. And this conference report, even though the National Security Letters provisions were not contained in the conference report, put restrictions on National Security Letters so that there would be increased disclosure and a potential judicial review process.

Now, we have heard an awful lot about delayed notification warrants, and we heard more complaints about them from people who are criticizing this conference report. I want to make it perfectly clear that all the PATRIOT Act did was to give law enforcement the authority to use a delayed notification with respect to National Security Letters. The Attorney General did not have for drug trafficking and organized crime and racketeering. And in the case of the last two matters, the organized crime and racketeering and drug trafficking, the United States Supreme Court has upheld delayed notification warrants as constitutional and not in violation of the fourth amendment.

This conference report provides additional civil liberties protection in the area of the business records section, in the area of the delayed notification warrants section, in the area of the roving wiretap section, and in the area of National Security Letters. If it is voted down, all of these protections for civil liberties will be lost in this conference report, and we will be back to the existing PATRIOT Act under the proposal that has been advocated by my distinguished ranking member from Michigan (Mr. CONYERS) and members on the other side of the Capitol building.

The PATRIOT Act has been a vital tool in the interception and prevention of terrorist activities, and if it is allowed to expire, the first consequence will be that the wall that prevented the CIA and the FBI from exchanging intelligence information that will go back up. And if there is one thing the 9/11 Commission said repeatedly, it is that the stovepiping of intelligence information between various agencies of the Federal Government prevented the Government from being able to try to connect the dots to see what the terrorists were doing before 3,000 people were killed on September 11, 2001.

The consequence of letting the PATRIOT Act expire will be a boon to terrorists because they will be able to exploit all of the vulnerabilities in our legal system that allowed them to pull 9/11 off. And as a result, I do not think that that is the responsible thing to do.

The Congress, and this House in particular, have three choices: One is to let the act expire, and back goes the wall, and we cannot use delayed notification warrants to stop the terrorists doing business, whether it is at libraries or elsewhere. And those warrants, by the way, have to be issued by the courts, so there is judicial review before they are issued.

The second thing is to extend the existing law, whether it is for 3 months, as Mr. CONYERS has proposed, or for a longer period of time, which means that all of the civil liberties protections that I have just described will not be in the law, and they will all be lost. And I think that would be a shame.

Or we can pass the conference report. That is what we should do.

Now, since the beginning of this country's history, we have given law enforcement and prosecutors a lot of discretion. And anybody who has a lot of discretion, whether it is the Attorney General of the United States or the cop on the beat, has the potential of abusing the discretion. There has not
been an abuse of discretion in the PATRIOT Act. The Inspector General’s reports to Congress on abuses of the PATRIOT Act that are required by the original law have said that there are none.

Yes, there is the potential for abuse, and that is what oversight and the civil liberties protections that are contained in the original law and improved in this conference report is all about.

The PATRIOT Act keeps us safer. It does not make us perfectly safe; it keeps us safer. The record here shows that civil liberties have not been trampos upon. The responsible alternative for the Congress to do is to pass this conference report. We should do so promptly.

Madam Speaker, I rise in strong support of the conference report accompanying H.R. 3199, the “USA PATRIOT Improvement and Reauthorization Act of 2005.”

In the wake of the attacks of September 11, 2001, and independent investigations showed that terrorists exploited historical divisions between the law enforcement and intelligence communities that prevented authorities from “connecting the dots” in time to avert the attacks. To address this vulnerability, broad majorities in both Houses and the Senate enacted the PATRIOT Act to enhance investigatory tools necessary to detect and prevent terrorist attacks. Since its enactment, U.S. law enforcement and intelligence authorities have utilized these tools to gain critical knowledge of the intentions of foreign-based terrorists attempting terrorist attacks on our own soil. The PATRIOT Act has made America safer, but the threat has not receded. Without congressional passage of this conference report, key provisions of the PATRIOT Act will no longer be available to our law enforcement on January 1, 2006—two weeks away.

It is crucial to note at the outset that H.R. 3199, which passed the House by a vote of 257–171, and the amendment to this legislation unanimously approved by the other body, underestimates the importance of changes made to the PATRIOT Act.

The conference report also addresses the clear danger to America’s communities posed by methamphetamine. It restricts Internet and mobile vendor sales of the precursors necessary to produce methamphetamine, enhances criminal penalties for its sale and manufacture, reduces smuggling, and enhances tools necessary to stop meth trafficking across the southwest border. Passing these anti-methamphetamine provisions is vital, and I congratulate the gentleman from Indiana, Mr. SOUTER, for his leadership on this issue.

Now let me talk about the process that has led to this point. When the House Judiciary Committee unanimously reported the PATRIOT Act in October of 2001, I pledged to rigorously examine its implementation to ensure that new law enforcement authorities did not transgress civil liberties. H.R. 3199, which passed the House by a wide margin on July 21, 2005, reflected bipartisan congressional consideration consisting of legislative and oversight hearings, Committee correspondence.

This extensive record, a chronology of which I ask unanimous consent to submit for the record, has demonstrated that the PATRIOT Act is an effective tool against terrorism, and given the context, it is clear that the conference report does so. After exhaustive and comprehensive negotiations in which all conferees were provided an opportunity to extensively participate, the conference report sunsets these two provisions in four years.

The conference report also contains vital provisions to reduce America’s vulnerability to terrorist attack. The PATRIOT Act breached the “wall” between law enforcement and the intelligence community; the conference report we consider today ensures that it will not be rebuilt.

The PATRIOT Act strengthened the penalties for attacks against mass transportation systems and our Nation’s airports; the conference report enhances these penalties to reflect the urgent threat that the London and Madrid attacks have underlined. The PATRIOT Act helped reduce terrorist funding sources, requiring terrorists to establish and maintain large and irresponsible.

I wish to recognize the important contributions of the following staff who spent much of the last several months working on this important legislation. From the House Committee on the Judiciary: Philip Kiko; Sean McLaughlin; Beth Sokol; Mindy Barry; Mike Volkov; and Robert Tracci. From the Senate Judiciary Committee: Brett Tolman; Nick Rossi; Joe Mataal; and Cindy Hayden. From the House Intelligence Committee, Chris Donessa—from the Senate Intelligence Committee, Brandon Milhorn. From the Department of Justice, William Moschella, Ebright Cook, Jim Baker, Matthew Berry, and David Blake.

Madam Speaker, I provide for the RECORD the following document, which is a detailed listing of oversight hearings held on the USA PATRIOT Act:

HOUSING OF THE USA PATRIOT ACT FROM OCTOBER, 2001, TO NOVEMBER, 2005

(1) November 9, 2005, Department of Justice classified briefing for Committee on the Judiciary staff on press accounts of FBI use of NSLs.

(2) October 25, 2005, Department of Justice classified briefing for House & Senate Committees on the Judiciary and Committees on Intelligence staff on press accounts of FBI use of NSLs.

(3) October 6, 2005, Department of Justice classified briefing for Committee on the Judiciary Members and staff on NSLs.


(7) July 11, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary regarding use of the USA PATRIOT Act.

(8) August 4, 2005, letter from FBI Director Robert Mueller to House & Senate Committees on Intelligence responding to questions regarding use of the USA PATRIOT Act.


(12) June 10, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act.

(13) June 8, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act.

(15) May 19, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;
(17) May 10, 2005, Senate Committee on the Judiciary hearing on continued oversight of the USA PATRIOT Act;
(18) May 5, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb;
(20) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Section 218 of the USA PATRIOT Act—If It Expires Will the “Wall” Return?;
(22) April 25, 2005, letter from Assistant Attorney General William Moschella to Senator Dianne Feinstein responding to April 14, 2005, letter regarding use of the USA PATRIOT Act;
(24) April 21, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Crime, Terrorism, & the Age of Technology—Section 209: Securing the Information Age—Electronic Communications to Protect Life & Limb;
(26) April 19, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearings on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing;
(27) April 6, 2005, House Committee on the Judiciary hearing with Attorney General Gonzales;
(28) April 5, 2005, Senate Committee on the Judiciary hearing on Oversight of the USA PATRIOT Act;
(29) March 22, 2005, Department of Justice letter requesting hearing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;
(31) April 14, 2004, Senate Committee on the Judiciary hearing on FBI Oversight: Terrorism;
(33) February 3, 2004, Department of Justice briefing for House Committee on the Judiciary staff on its views of S. 1709, the “Security and Freedom Ensured (SAFE) Act of 2003;” (34) February 10, 2003, the House Commerce Committee bill, as both bills proposed changes to the USA PATRIOT Act;
(35) November 20, 2003, request by Chairman Goodling & Mr. Hollister to GAO requesting a study of the implementation of the USA PATRIOT Act anti-money laundering provisions. Report was released on June 6, 2005;
(36) October 29, 2003, Department of Justice classified briefing for Committee on the Judiciary Members regarding use of FISA under the USA PATRIOT Act;
(37) September 10, 2003, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing on Terrorism: Two Years After 9/11, Connecting the Dots;
(38) August 7, 2003, Department of Justice briefing for House Committee on the Judiciary Members & staff regarding the long-standing authority for law enforcement to conduct delayed searches & collect business records & the effect of the USA PATRIOT Act on those authorities;
(39) July 23, 2003, Senate Committee on the Judiciary hearing on Law Enforcement & Terrorism;
(40) June 18, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;
(41) June 3, 2003, House Committee on the Judiciary hearing on the U.S. Department of Justice, including its use of the provisions authorized by the USA PATRIOT Act;
(42) May 20, 2003, Senate Committee on the Constitution hearing; Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can the Government Go to Prevent Terrorist Attacks;
(43) May 13, 2003, letter from Acting Assistant Attorney General Jamie Brown to the Judiciary Members regarding S. 1709, the SAFER Act, & the Use of FISA & Patriot Act;
(44) April 1, 2003, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;
(45) October 9, 2002, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: Tools Against Terror: How the Administration is Implementing New Laws in the Fight to Protect our Homeland;
(46) September 20, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;
(47) September 10, 2002, Senate Committee on the Judiciary hearing on FISA Amendments Act of 2001 (S. 1391, the USA PATRIOT Act in Practice: Shredding Light on the FISA Process);
(48) August 26, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;
(49) June 26, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;
(50) May 27, 2002, Senate Committee on the Judiciary hearing on the Justice Department’s implementation of the USA PATRIOT Act & other Amendments;
(51) May 13, 2002, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;
(53) December 6, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

Madam Speaker, I reserve the balance of my time.

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

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

Mr. CONYERS. Madam Speaker, if only what my good friend, the chairman, said was accurate, we would not be here to ask that this measure be turned down and that we pass a 3-month extension, as I have proposed and is in legislative form, so that the PATRIOT Act and intelligence reform would not be stymied.

It is like coming to a meeting and we have forgotten all the Members on my side of the aisle on the Judiciary Committee agreed with is wrong with the PATRIOT Act, but that we have ignored the fact that many other organizations are not for the PATRIOT Act.

Now, what safeguards are being preserved is very interesting for me because the opponents of the PATRIOT Act, including seven States that have passed resolutions opposing parts of the PATRIOT Act and a number of communities that represent over 62 million Americans.

Additionally, numerous groups ranging across all parts of the political spectrum have come forward to oppose sections of the PATRIOT Act and demand that the Congress conduct more oversight, including the American Civil Liberties Union, the American Conservative Union, the American Immigration Lawyers Association, the American Library Association, the Center For Constitutional Rights, the Center For Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, the Lawyers Committee For Civil Rights, the National Association for the Advancement of Colored People, the Criminal Defense Lawyers, People for the American Way, and numerous other groups concerned about immigrants’ rights.

And what about the more than six death penalty additions that have been
put into this build with very, very few hearings. Is that something that somebody can hold forward as protecting the rights and improving the PATRIOT Act? I do not think so.

And even worse has been the abuse of unilateral power by the administration where since September 11 our government has detained and abused physically thousands of immigrants without time limits for unknown and unspecified reasons and targeted tens of thousands of Arab Americans for-intensive interrogations. All this serves to accomplish, of course, is to alienate many of those Muslim and Arab Americans that would be working with us.

So, Madam Speaker, there are two pictures of what happened in the Committee on the Judiciary. One is that the bill was made clearly worse, and we have some 92 pages of dissent about the bill itself, and much of it is still of course valid in terms of the conference report that we are examining today.

I urge Members, we have been tricked once, the first time when the bill was substituted, and now we are about to be fooled again if Members do not read our dissents and the reservations that we have about the PATRIOT Act. It can be made better, and we would propose that that is exactly what happen today.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished chairman of the Intelligence Committee.

Mr. HOEKSTRA. Madam Speaker, I rise in strong support of the conference report. Today, our country is at war. We are at war against a global enemy, the global enemy of terrorism. Beginning long before the 9/11 attacks, our citizens have faced potential threats to our safety and security at home within the last 30 days for the first time since Pearl Harbor. We are reminded on a daily basis around the world that those threats are real, serious, and continuing.

As chairman of the Intelligence Committee, I want to take this opportunity to remind my colleagues that the central purpose of this bill is to provide enhanced intelligence authorities to combat spies and terrorists within the United States. We have many national intelligence agencies, but the authorities that are enhanced by the PATRIOT Act are among the most crucial because they protect the American people from terrorist threats here at home. They are a crucial part of our efforts to build a strong domestic national security capability within the FBI. I want to thank Chairman SENSENBRENNER for his leadership in this conference and on this important legislation.

The conference report under consideration today will make 14 of 16 provisions of the PATRIOT Act permanent while also including sensible clarifications and improvements in many areas where there should be broad, bipartisan agreement.

By the Justice Department’s count, the bill adds 30 new safeguards to protect privacy and civil liberties. These include a clearer standard for obtaining certain business records, clarification that those actions are subject to judicial review, and much more specific standards with respect to the use of national security letters and roving wire taps.

In addition, the Congress will continue its closed and continued oversight with the Intelligence Committee paying particular attention to the specific manner in which these authorities are used.

Madam Speaker, this bill needs to be approved. I encourage my colleagues to support this conference report and work to keep America safe.

Mr. CONYERS. Madam Speaker, I am delighted to yield 5 minutes to the gentleman from New York (Mr. NADLER), a subcommittee ranking member.

Mr. NADLER. Madam Speaker, we are engaged in a serious war with terrorism. Unfortunately, we are going after the wrong targets. We are not protecting ourselves, but we are endangering our liberties.

We are not doing anything or anything adequate about collecting the loose nuclear materials all over the former Soviet Union before they are smuggled to al Qaeda to make atomic bombs to attack us with. That costs money.

We are searching 2 percent of the 6 million shipping containers that come into our country’s ports every year, any one of which may contain a weapon of mass destruction; but to search them would cost money.

We are not doing much about what the 9/11 Commission said was one of the most important things we should do, providing for intercommunicability between first responders so police can talk to the fire and military. We are not doing that.

What are we doing? We are violating the civil liberties of our people and making them think that we are protecting ourselves.

Madam Speaker, this country has a great heritage of liberty. It also has an unfortunate history of violating that liberty whenever we get into a war, from the Alien and Sedition Act of 1798 to the Alien Registration Act of 1917, to the Palmer Raids of 1919, the Japanese American Internment Act of World War II, the FBI’s egregious COINTELPRO program against opponents of the Vietnam War. And now in this war, this administration has resorted to torture, to indefinite detention without trial, to evasions of the great writ of habeas corpus, to going back in some respects to before Magna Carta.

What does this bill do? This bill continues in that tradition. It does not make okay the things breaking down the so-called wall between intelligence and police work. That makes sense. But it also invades our liberties in ways that are very unnecessary. Let me focus on two of them.

Section 215, the so-called libraries provision, allows the government to get orders from a FISA court to search any records of any business of a library that you refer to, who you talk to cannot tell you. You cannot move in court to quash it.

Section 505, national security letters which have been held unconstitutional by two courts so far do not even require a FISA court. It is an administrative proceeding. It is not even a proceeding; the FBI simply says they want it, and they can get it. This is like the writ of assistance the British granted in 1761 which is this very similar to, the writ of assistance. But after the FBI gets the information, you can protest the gag order. You cannot say I want to be able to tell somebody about it, but you can only say that if you can show that revealing that information is not harmful to the national security or diplomatic relations, but the government’s statement that it is conclusive, so the court is a cipher. The court cannot make any judgments. There is no evidence. The government’s statement is conclusive.

This does not protect liberty; this destroys liberty. We ought to have real protections for our liberty. We ought to have put some procedural safeguards on these powers such as our entire tradition demands. To pass this bill with no sunset of section 505, with no procedural safeguards on these very intrusive provisions is to disregard our entire history of ordered liberty. I very much urge defeat of this bill so we can do it properly after further consideration.

Mr. SENENBRENNER. Madam Speaker, I yield myself such time as I may consume.
Madam Speaker, the issue of national security letters was not in the PATRIOT Act that was enacted in 2001. They were enacted in 1986 in a bill that was written over in the other body.

This conference report puts procedural safeguards into national security letter provisions that are not a part of the PATRIOT Act that was passed in 2001. It makes changes to all NSL provisions, not just electronic communications as the Senate wanted. It permits disclosure of NSLs to legal counsel and the ultimate recipient of the letter. That is not in the law now.

It creates explicit access to judicial review of the government’s request for records. It permits the reviewing court to modify or set aside the NSL if compliance would be unreasonable, oppressive or otherwise unlawful, the same standard for quashing a subpoena.

It permits judicial review of the non-disclosure requirement. It creates a 5-year felony criminal penalty for unauthorized disclosures of NSLs with intent to obstruct an investigation or judicial proceeding, just like the obstruction of justice statute. The 1-year misdemeanor for disclosure without intent to obstruct, that is not in the conference reports; That is out.

It requires the DOJ Inspector General to conduct two audits of the FBI’s use of national security letters. One audit covers 2003 and 2004, the other 2005 and 2006. It requires the Attorney General and the director of national intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSL to ensure the protection of constitutional rights of United States persons, and it requires an annual public reporting on national security letters, including the aggregate number of requests made by the government and the number shared with other Federal agencies and the private sector.

Now, national security letters are not subject to the sunset. They are in the earlier law. If the argument that has been advanced by the gentleman from Michigan, all of these protections I have just described go down the drain with the rest of the bill.

I yield myself 10 seconds.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from Michigan.

Mr. CHABOT. Madam Speaker, today I rise in support of this conference report. I think the precious balance of civil liberties and security are damaged here.

Mr. SENSENBRINNER. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey.

Mr. HOLT. Madam Speaker, I thank the gentleman from Michigan for all of his good work and for yielding me the time now.

I rise in opposition to the PATRIOT Act conference report. These provisions and many others have a deep impact on the freedoms and civil liberties of all Americans. Now, some will say we need these provisions to track down terrorists and build cases against them.

Well, the House Judiciary Committee has extensively reviewed the PATRIOT Act and its implementation. And over a 4-month period, it received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. Furthermore, the committee conducted a nearly 12-hour markup of this legislation, including consideration of 43 amendments.

As chairman of the Subcommittee on the Constitution, we have held PATRIOT Act oversight hearings in my subcommittee, and we remain committed to monitoring the development of this legislation through aggressive oversight. I am pleased that another 4-year sunset of the more controversial provisions and several additional safeguards to further protect civil liberties were included in the conference report, and I thank Chairman SENSENBRINNER for that.

The sunset provisions proved to be successful the first time around, and their renewal, coupled with new protections to help strengthen defenses against terrorism while demonstrating a strong commitment to civil liberties.

The goal of our enemies is to destroy America and its allies. We must remain steadfast in our resolve to eradicate the plague of terrorism. This act does that.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey.

Mr. HOLT. Madam Speaker, I thank the gentleman from Michigan for all of his good work and for yielding me the time now.

I rise in opposition to the PATRIOT Act conference report. These provisions and many others have a deep impact on the freedoms and civil liberties of all Americans. Now, some will say we need these provisions to track down terrorists and build cases against them. But what is often unsaid is that these provisions will also be used against people who have committed crimes who are completely innocent. It is because of that the PATRIOT Act must be seen as something that affects all of us. Searching business records can sweep up people, most of whom are innocent. A small number of unnecessary intrusions can have a broadly chilling effect.

Proponents of the PATRIOT bill before us will say that it is directed against terrorists, not law-abiding citizens. But they should try to tell that to Brandon Mayfield and many others who have committee criminal offenses against terrorists, not law-abiding citizens.

Mr. Mayfield, an attorney, was detained. But this is small compared to the terrorism bombings in Madrid, Spain. More so-called evidence was collected when his residence was searched without his knowledge under Section 213. However, the FBI has issued an apology for his wrongful detention. But this is small conciliation for a lawyer and Muslim American
whose reputation was tarnished by the investigation.

Of course, some mistakes will occur. But this bill strikes the wrong balance and makes those errors more likely. It also allows the fact, the very fact of such a search, to remain undisclosed to the subject indefinitely.

I urge my colleagues to oppose this flawed conference report and protect the liberties and freedoms of our citizens that are central to what it means to be an American.

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

Once again, there has been erroneous information presented to the House. The conference report on the delayed notification search warrant limits initial delayed notification to only 30 days unless the facts justify a later date. It permits extensions of up to 90 days unless the facts justify a later date and only upon the showing of need.

Now, the original PATRIOT Act did not have these time limits. The delayed notification was determined it could not be justified and a magistrate judge, a judicial officer, not by law enforcement, but by a judicial officer in determining when the notification would take place.

What I just described in the conference report is not new language. It is limitations on how long a magistrate judge, a judicial officer, can delay notification of the warrants. You vote against this bill and you kill this bill, those limitations go down with the bill.

Madam Speaker, I yield 2½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

(Mr. DANIEL E. LUNGREN of California asked and was given permission to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I was absent from this chamber for 16 years after serving for 10. The compelling reason for me to return was the events of 9/11. And one of the things that I thought I would never see in the House of Representatives is an Alice in Wonderland type atmosphere where just because you say something, you think it is true.

The fact of the matter is, many of the complaints registered by my friends on the other side of the aisle are taken care of in this conference report. If you vote down the conference report, those sections that are not subject to sunset will continue on without any of the changes that the chairman has articulated. So the very arguments they are making against what they do not like about the law now should compel them to vote for this conference report because we make changes.

Madam Speaker, it is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act tears down that wall, that artificial wall that existed between the intelligence community and the criminal justice enterprises. And what we did was we said it made no sense, it made us more vulnerable to attack.

Some have said, look, these changes in the PATRIOT Act change what was current law. That is true because there was a need to do so. And some have argued all we need to do is to follow what has been the law in the past. The difficulty has been the fact is that, in the war on terrorism, it is not good enough to collect the evidence after a terrorist attack to try and bring people to justice. The imperative is to stop the terrorist attacks from occurring in the first place. That is why we have the differences in this law.

Yes, there is a different standard. The standard is to allow us to stop the terrorist attacks in the first instance. We have, as a result of oversight, and I have attended every single hearing in the subcommittee and full committee, done unbelievable oversight, reviewing every bit of evidence that has been out there. There has not been one single example of abuse or even one. The IG report could not find it. We could not find it. I have been to every single hearing that we have had, been with every witness. They could not prove a one. But because we are concerned about the possibility of abuse, we have put at least 30 additional limitations into this conference report. And so the real question is, do you believe in the essential foundation of the PATRIOT Act which makes changes, recognizes that we are trying to stop terrorist attacks before they occur, rather than doing the regular criminal justice activity of collecting evidence after the fact. I am not willing to place my children and grandchildren in jeopardy by defeating this conference report.

INTRODUCTORY COMMENTS

It is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act is a critical element in a strategy to provide law enforcement with the necessary tools to conduct antiterrorism investigations. This task is made all the more difficult in that the PATRIOT Act makes changes, recognizes that we are trying to stop terrorist attacks before they occur, rather than doing the regular criminal justice activity of collecting evidence after the fact. I am not willing to place my children and grandchildren in jeopardy by defeating this conference report.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I have articulated. So the very arguments they are making against what they do not like about the law now should compel them to vote for this conference report because we make changes.

Mr. LUNGREN. The conference report requires investigators to inform the court when a recipient of an order has the right to disclose the retention and dissemination of information to the FBI Director, or the official in charge of intelligence gathering, such as library, bookstore, tax returns, firearms sales, educational and medical records—the FBI Director, Deputy Director, or the official in charge of intelligence must personally sign off on the application before it can be submitted to the court.

The conference report requires that the application to the FISA court must include a clear statement of the facts that demonstrate reasonable grounds to believe the tangible things sought are relevant to the investigation. The conference report requires the use of so-called minimization procedures to regulate the retention and dissemination of information concerning United States persons and the protection of privileged documents.

The conference report makes it explicit that a recipient of an order will have the right to disclose the receipt to an attorney or other parties necessary to comply with the order.

Section 106 (206 roving wiretaps)

Section 108 of the conference report imposes several additional safeguards on the use of roving surveillance.

The conference report requires that the order describe the specific target in detail when authorizing a roving wiretap for a target whose identity is not known. The conference report specifies that the FISA court must find that the probability of the target thwarting surveillance is based on specific facts in the application.

The conference report requires investigators to inform the court when “roving” surveillance is used to target a new facility—such as when a terrorist or spy changes to a different cell phone.

Section 114 (sec. 213 delayed notice search warrants)

As the former chief law enforcement officer of my State of California, I want to first of all emphasize that delayed notice search warrants are not an invention of the PATRIOT Act. The delayed notice search warrant has been available to California law enforcement for years.
The conference report adds new safeguards relating to the use of delayed notice search warrants. The conference report places a limit of 30 days on an initial request or on a later date certain if the facts justify such a delay. Extensions of up to 90 days are possible unless the facts of a particular case justify a longer period.

Sections 115–119 (national security letters)

The language in the conference report provides for explicit judicial review of an NSL. The conference report provides that a recipient of an NSL may challenge any non-disclosure requirement in court. The report clarifies that a recipient may disclose receipt of an NSL to an attorney or other necessary party.

CONCLUSION

There is a total absence of any evidence of abuse of the PATRIOT Act. Furthermore, the conference report adds further protections against any potential abuse of the law. The conference report represents a careful balance between our responsibility to protect Americans from terrorist violence, and our responsibility to avoid any potential violations of their civil liberties.

The enactment of this legislation is critical to this endeavor. There are those who will attempt to come here for the sole purpose of murdering innocent Americans. It is our responsibility to keep this from happening. We must provide law enforcement with the necessary tools to carry out this task.

Mr. CONyers. Madam Speaker, I yield myself 15 seconds.

Let me remind my friend who returned from his California duties to the Congress, did you hear the Brandon Mayfield case just recited by the gentleman from New Jersey? That was an abuse that we heard in the committee.

Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on Homeland Security.

Mr. THOMPSON of Mississippi. Madam Speaker, I thank the gentleman from Michigan for the time.

Madam Speaker, I am opposed to the reauthorization of the PATRIOT Act. First, I do not believe many of the so-called law enforcement tools will make us any safer.

I am probably one of a few Members of Congress who has been spied on by his own government. During the civil rights movement, an agency in the Mississippi State Government called the State Sovereignty Commission kept files on me and countless other people working for change.

I might add that none of us did anything illegal other than just convene and talk about how we would change our State.

From this experience, I have known that, when government has the authority to spy on its own people, it is almost always and will misuse that power.

Nothing good will come from many of the tools in the PATRIOT Act, and I fear that it will lead to more misuse of power.

It is too broad an authorization to continue to give the government these powers, such as to search the library records or to place roving wiretaps without a warrant that at least should say what phone is being tapped.

I am also opposed to the conference report because it fails to include the provision in the House bill that would allocate Homeland Security funds based on risk.

The 9/11 Commission explicitly recommended that Homeland Security funds be allocated based on risk. The 9/11 Commission members recently said that it was their intention that measures that were passed, Congress would have received an A grade instead of an F on fulfilling its recommendation.

We must focus our scarce Homeland Security resources on areas that are most at risk of terrorist attack. We cannot yield to politics. We must fulfill the Commission’s recommendation by passing the House proposal. Without that measure in this PATRIOT Act reauthorization, I cannot support it.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the acting majority leader, the very distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the chairman for yielding and for the incredible hard work he has done to bring this bill to the floor, both to help create this legislation 4 years ago, to review it time after time after time for the last 4 years and to extend it into the future with the safeguards that have been discussed here on the floor today.

In terms of the review process, I think the Attorney General today in some information he put out suggested that there were at least 23 separate hearings last year of oversight, this is last year alone, of oversight on this act; witness after witness after witness called to testify about what was happening with the act. This oversight work that the chairman has been largely responsible for has made a difference in the way the executive branch does what the PATRIOT Act intends it to do with the maximum protection for individual freedom and the maximum protection for the security of our Nation.

We don’t want to face 9/11 again, and we certainly don’t want to face a 9/11 that could have been prevented. If the law enforcement techniques and tools that are available for organized crime continue to be available for terrorism, this allows that to happen.

I come to praise the chairman and his committee and to seek a “yes” vote on this bill today.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), distinguished member of the Intelligence Committee.

Mr. RUPPERSBERGER. Madam Speaker, the PATRIOT Act provided tools essential to identifying and tracking terrorists that were not available before the 9/11 terrorist attacks. At the time it passed, just 7 weeks after 9/11, there were concerns that some of the authorities were too broad and susceptible to abuse. The sensible proposal emerged to sunset 16 of the most controversial provisions.

Sunsets matter. They forced the Justice Department and the American public to evaluate the appropriateness of, and need for, the PATRIOT Act. Without sunsets, Congress probably would not have undertaken the same review of key provisions this year and considered significant changes to the law.

For those reasons I offered an amendment to extend the PATRIOT Act sunset during the Intelligence Committee markup of H.R. 3199. I am pleased this conference report includes 4-year sunsets on the most controversial provisions: 215 orders, 206 roving wiretaps, and the Lone Wolf provision.

But additional steps, however, must be taken to ensure the right balance is struck between security and constitutionality. Congress must engage in vigilant oversight of the PATRIOT Act, national security letters, and other authorities granted to law enforcement and intelligence agencies. I am committed to doing my part as a member of the House Select Intelligence Committee to ensure proper oversight occurs.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. PLAUK).
Mr. FLAKE. Madam Speaker, I thank the chairman for yielding me this time.

I want to commend him for a great process here. Often we do not have a deliberative process when we pass major legislation. That is not the case here. We had 12 hearings over a year on these provisions, and I want to point out what the chairman has already said, that we are not just dealing with those sections that are sunsetted but we are dealing with those that are not, and some substantive reforms to the NSL process.

After the passage of the first PATRIOT Act, I and others formed the PATRIOT Act Reform Caucus because we felt we needed additional protections. That process yielded about a half dozen amendments which we offered during the House version of the bill, and each of those amendments was accepted and remains part of the legislation. One amendment that we dealt with was the establishment of the House and Senate Judiciary and Intelligence Committees on the frequency and use of NSLs, and it clarifies that judicial review exists and challenges to both the NSL and the prohibition on disclosure are now allowed. It also, as the chairman mentioned, establishes additional reporting requirements to the House and Senate Judiciary and Intelligence Committees on the frequency and use of NSLs. These are commonsense reforms.

In addition to these safeguards on NSL authorities, the reauthorization also will add significant safeguards in a number of other areas, as the chairman mentioned. There are now strict time limits for those who are put on delayed notification as well as new reporting requirements to the House and Senate Judiciary Committees.

Madam Speaker, these are reforms that are important, and I am happy to support them, and I hope that we will codify these in the bill.

Mr. CONYERS. Madam Speaker, I yield myself 3 minutes.

I want to quote from a letter that was sent to Chairman SENSENBRENNER from the American Library Association, its president, indeed, Michael Gorman, and a copy to myself.

It says: "Dear Mr. Chairman, I am writing on behalf of the American Library Association to express our opposition to section 215. We are deeply disappointed that the conferences did not take this opportunity to heed the concerns of library users across this country and to restore protections for records of library use that were stripped away by the PATRIOT Act itself."

"It does not seriously address any of the library community's concerns with section 215, which requires a factual connection between the records sought and a terrorist or terrorist organization."

"The report also leaves in place the USA PATRIOT Act standards for national security letters, which would 'allow the FBI to continue its unfettered reach into the personal electronic records of the public, including records of their use of the Internet through computers in libraries. Worse, it adds a criminal penalty for noncompliance with the order and for a knowing violation of the gag order. And while adding an ability to challenge the secrecy of a national security letter on the one hand, it takes it away with the other by requiring the court to accept, as conclusive, the government's assertion of harm to national security . . .'"

"Madam Speaker, this is the clearest description from the president of the American Library Association, supported by thousands of professional librarians from one end of the country to the other.

Please, let us not buy into the fact that this is a new and improved version of the PATRIOT Act. With the death penalties arbitrarily added, it is a deliberate reversal, a downward, backward movement in which the PATRIOT Act becomes meaner and less democratic and is far more dangerous for people who get caught up in these things who are innocent Americans. Please join us in sending this bill back to committee and supporting my measure that would allow for a 3-month period of time for us to improve the bill.

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

Madam Speaker, the gentleman from Michigan talked about the conclusive presumption provisions on national security letters that are contained in the conference report as well as the requirements that have been changed relative to section 215, which is the business records or library provisions.

I would just point out that both the NSL provision and the section 215 provision in this respect were the language that was passed unanimously. And everybody here has been saying that the Senate bill is great and the conference report is not. But if the Senate bill was great, now they are attacking two provisions in the Senate bill. They cannot have it both ways.

What we did in the conference report was responsible.

With respect to section 215, I wish that the Library Association had read it, because it requires the statement of facts in an application to the court. And if it appeared that there was reasonable grounds to believe the records are relevant to an authorized investigation. The Senate's language.
coordinated multicommittee that took many chairmen to do this, Senators Talent and Feinstein of the Senate to do this. I thank Chairman Sensenbrenner, I thank the leadership, because this is a big day for those of us who have been fighting the anti-meth cause.

Mr. Conyers. Madam Speaker, I yield myself 35 seconds.

I want to give Chairman Sensenbrenner the benefit of the presumption of a doubt about this section 215 business. What happens in the report is it makes it easier to get library and other records under section 215 by creating a presumption that records of anyone to come into contact with a suspected terrorist even accidentally, innocently, is relevant to an investigation.

Mr. Rohrabacher. Madam Speaker, I rise in opposition to this conference report which would reauthorize the PATRIOT Act by making permanent the expansions of Federal police powers that were temporarily put into the original bill and sunsetted in that bill.

I am unmoved by the argument that we can have faith that, in the future, that there will be proper oversight because there has been proper oversight so far in determining whether or not the new police powers that were put in the original PATRIOT Act were abused. Long after Mr. Sensenbrenner and myself and others are gone from here, these powers will remain, and Congress may not have that proper oversight.

Let me note that the people in the pro-life movement should take note of what is happening here because the expanded police powers of the Federal Government will be used against them. Our second amendment friends already understand that, Proposition 187, the anti-immigrant immigration group in California, the FBI went after them in the last administration.

When you expand the police powers of the Federal Government, no matter how much oversight we might have today and say that power is not being abused, we have opened the door to abuse. That is nothing but another example of the Founding Fathers had in mind. Our Founding Fathers said, only temporarily increase those powers in an emergency. Otherwise, deny those powers to the Federal Government.

Mr. Conyers. Madam Speaker, I am delighted to yield 1 minute to our leader, the gentlewoman from California (Ms. Pelosi).

Ms. Pelosi. Madam Speaker, I thank the gentleman for yielding, and thank you, Mr. Conyers, our ranking member on the Judiciary Committee, for being such an outstanding leader in protecting our civil liberties and also the national security of our country. I also extend thanks to the Democrats on the committee.

First, let us be clear about what we are voting on today, Madam Speaker. We are not voting for the reauthorization of the PATRIOT Act in general, more than that. We are voting on the PATRIOT Act is permanent law and includes many noncontroversial provisions that give law enforcement the tools they need. What is before us on the floor today is the extension of certain provisions that are controversial and have the potential for abuse.

Madam Speaker, all of us support providing law enforcement officers with the tools they need to combat terrorism. In doing so, we must also preserve the balance between security and civil liberties and to recognize that not all of the tools law enforcement officers want are tools that they legitimately need.

I cannot support the PATRIOT Act extension conference report because it does not secure the right balance between security and liberty. Our Founding Fathers knew well the importance of the balance between security and liberty. They led in securing liberty against an arbitrary power. They knew that you cannot have security without liberty and liberty without security in a democracy.

As we consider this conference report, I ask every Member of Congress, indeed, every American, do you know if a National Security Letter has been issued about you, a letter to your phone company, your Internet provider, your bank, for wholesale collection of records that have to do with your personal information? This letter does not even have to specify that the specific records sought are connected to terrorism, and the recipients, you do not know if such a letter has been issued. You cannot know. You will never know.

This is the same for every American, and any information, including your most sensitive personal data, along with that of thousands of American citizens gathered by these National Security Letter requests, will be held in perpetuity by law enforcement.

The recipients, the bank, the phone company, the Internet provider, are not allowed to tell anyone they have received this letter about you. These are searches without any warrant and without any judicial supervision.

Just think of it: You do not know, the recipient of the letter who is in possession of your information cannot tell you. You do not know. You cannot challenge it, and the letter can be sent without demonstrating any relationship between the specific records sought and a connection to terrorism. This is a massive invasion of the privacy of the American people.

This is not just some idle threat. The Washington Post reported last month that the FBI hands out more than 30,000 National Security Letters per year, a reported hundredfold increase over historic norms.

How did this happen? When originally enacted, the PATRIOT Act was intended to be accompanied by Congressional oversight so that the implementation did not violate our civil liberties. Unfortunately, the Bush administration and the Republican Congress have been delinquent in the oversight of the PATRIOT Act. As we have seen with this massive and unprecedented scope of National Security Letters, the implications of the Republican failure to provide real oversight.

This is a real oversight. As we consider this conference report, I ask every Member of Congress, indeed, every American, do you know if a National Security Letter has been issued about you, a letter to your phone company, your Internet provider, your bank, for wholesale collection of records that have to do with your personal information?
This conference has missed an opportunity to address the revelation of the widespread use of National Security Letters. We must have standards that clarify that there must be a connection to terrorism or to a suspected spy.

Second, the National Security Letters must now include a sunset. That is why I strongly support the request of Mr. CONyers for a 3-month extension so that conferences can reconvene, adopt the Senate bill, fix the National Security Letters and get it right. Our democracy requires no less.

Another part of this legislation that requires the government to show some connection between the records sought is under the library provision and an individual suspected of being a terrorist or spy. Such a standard is needed to assure that fishing expeditions do not take place. Yet this standard is missing from the Republican conference report.

The list of failures goes on. That is why I think it is important that we support the motion to recommit to adopt the Senate bill. If not that, then to follow Mr. CONyers’ lead and take 3 months to do this right. Nothing less is at stake than the privacy, the civil liberties, really the essence of our democracy.

We must always remember as we protect and defend the American people, we must honor the oath of office we have taken here when we are sworn in to protect and defend the Constitution and the civil liberties that it contains. We have an obligation to do that for the American people.

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

Madam Speaker, I thank Leader PELOSI for her very succinct and moving comments.

At the close of this debate, I will offer a motion to recommit the conference report with instructions to recommit to the Senate bill in its entirety. Not that the Senate bill is perfect, but it does a far better job at protecting the American people.

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

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, the gentleman from Michigan has said that he wants us to recommit to the Senate bill, and that means that the Senate bill goes to the President as passed by that body. That is why there are provisions relative to control of methamphetamine. There will be no provisions relating to airline security or port security or mass transit security. The Inspector General’s audits that are contained in the conference report will not go to the President, and the negotiations and procedures to get rid of extraneous material that might come into the presence of the government will also not be in the bill that goes to the President.

Listening to the litany that has come from the gentleman from Michigan and folks on the other side of the aisle, you would think that Halloween is tomorrow, because there is an attempt to scare the American public. The PATRIOT Act had nothing to do with the detention of immigrants, indefinite intentions, invasion of habeas corpus, writs of assistance and warrantless wiretaps. The Brandonaben case which has been cited by others on the other side of the aisle was relating not to the PATRIOT Act but a mistake in fingerprint identification.

If we accept their argument, we ought to abolish the FBI fingerprint lab. That is irresponsible, as are most of their arguments. Vote down the motion to recommit. Keep the good parts in the bill. Pass a good bill, and let’s make the American people safer.

Mr. FARR, Madam Speaker, I rise in strong opposition to the PATRIOT Act Conference Report.

Due to concerns about civil liberties infringement, I voted against the original PATRIOT Act in 2001 and the House PATRIOT Act Reauthorization Bill earlier this summer.

The democratic fabric of this country was founded on checks and balances but the PATRIOT Act contains neither. In 1775, one of our Nation’s true patriots, Benjamin Franklin, said “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

This legislation tramples on the essential liberties that our Founding Fathers wanted to ensure. We understood that lowering our civil liberties standards would not ensure safety; but it would undermine the relationship of this proud democracy with its citizens.

I believe that the Founders of this country would be rolling in their graves to hear the claims this Administration and Republican Leadership make in the name of safety from terrorists.

Do you really feel safer knowing that the government is allowed to investigate personal records without you knowing? Do you feel safer knowing that if you or your neighbor were accused that documents or records without you knowing? Do you really feel safer knowing that the government can issue blank wire tap orders without identifying the line, place or person it wishes to investigate?

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protecting our Constitutional rights. We must address the authority this bill gives, and how it may negatively impact Americans.

Most of the provisions within the PATRIOT Act are positive measures that successfully protect American citizens. However, we cannot ignore provisions that create serious privacy and civil liberty abuses. These include:

- Permitting large-scale investigation of Americans for “intelligence purposes.”
- Having minimal judicial supervision on wiretaps.

- Allowing the indefinite detention of non-deportable aliens, even if they are not terrorist suspects.
- The power to conduct secret searches without having to notify the target of the search.
- The ability to designate domestic groups as terrorist organizations.

America was built on the notion of strong protection for our privacy and civil liberties. Now is the time to protect our citizens from terrorism while putting forth meaningful reforms.

Mr. MARKEY. Madam Speaker, I rise in strong opposition to the conference report on the USA PATRIOT reauthorization Act.

As Co-Chairman of the Congressional Privacy Caucus, I remain concerned about government encroachments into the private lives of innocent Americans, which can undermine the principles of liberty, freedom of association and protection from unjust searches and seizures that have long been embedded in our Constitution and culture.

Clearly, the interests of security and privacy must be balanced. Unfortunately, this conference report does not strike the appropriate balance, and I cannot support it.

The conference report fails to include essential privacy protections that had been included in the Senate version of this legislation. Specifically, the Senate-passed bill contained key safeguards not included in the conference report regarding the PATRIOT Act’s use of so-called “National Security Letters” and “business and library records”.

Madam Speaker, as you know, National Security Letters are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities, most often the FBI, without any court supervision, and recipients are prohibited from telling anyone that they have been served. These letters represent a counter-terror tool that must be carefully and judiciously used, provided their secretive nature outside the traditional judicial process. Unlike the Senate-passed bill, however, the conference report does not provide meaningful judicial review of a National Security Letter’s gag order. The conference report requires a court to accept as conclusive the government’s assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. Despite strong opposition to this provision, House Republicans refused to strip it out of the conference report. House Republicans also refused, as an alternative, to impose a sunset on National Security Letters authorities. Such a sunset provision would have ensured closer oversight of, and public accountability for, the use of National Security Letters.

The conference report eliminated key protections in the Senate-passed bill regarding the “business and library records” provisions. Under the conference report, the government can compel the production of business and library records merely upon the showing that the records are “relevant” to a terrorism investigation. Under the Senate-passed bill, the government was required to show that the records have some connection to a suspected terrorist or spy. This is a commonsense protection that would not restrict government capabilities, but would prevent government overreach and agency fishing expeditions.

The House-Senate conference committee had an opportunity to adjust the PATRIOT Act’s expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, this opportunity was lost and the conference report we are considering today does not contain key privacy protections that had been included in the Senate-passed bill.

I urge my colleagues to vote “no” on this conference report and support the Democratic substitute offered by Ranking Member CROWLEY, which strikes the proper balance between security and privacy.

Mr. LEVIN. Madam Speaker, there is no question that Congress must give law enforcement the tools it needs to prevent terrorist attacks against the American people. When the 9/11 Commission issued its recommendation 4 years ago, we recognized that the serious nature of the threat required giving law enforcement broad new powers to help prevent it. There is also no question that the House and Senate should not allow the PATRIOT Act to expire December 31. Indeed, nearly all of the 166 provisions of the PATRIOT Act are already the permanent law of the land.

Four years ago, the Bush administration and the Leadership of the House rushed the original PATRIOT Act through the House without full debate or the chance to make improvements to the bill. There is no need to rush an imperfect bill through the House today simply to accommodate a 6-week holiday recess.

While the conference report makes a number of improvements to the measure the House has previously passed, the conference report does not go far enough. Congress must take the time we need to do the job right.

Mr. STARK. Madam Speaker, I rise in strong opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act conference report. I would be violating my oath to uphold the Constitution if I voted to unravel the very freedoms for which we’re supposedly fighting.

The PATRIOT Act criminalizes speech, protest and assembly while it removes the right to due process and a search warrant. For example, the formerly bedrock principle that government cannot spy on you unless it provides strong evidence of wrongdoing to a judge no longer exists in America. As a “compromise” in this bill, Americans can now talk to a lawyer when the FBI sends them a National Security Letter. These letters demand their medical, business or Internet records, and it is nearly impossible to get the request blocked.

Madam Speaker, there is no room for compromise in the Bill of Rights. If the FBI wants to know what Web sites I visit, they should notify me. If I’m a suspect, then they should tell me before I’m seized. If I’m not a suspect, then they should be seized and placed in a jail, and they should be seized with a warrant. The American people might be surprised to know that the median sentence for people convicted in terrorist investigations over the last 5 years was just 11 months. Most were convicted on technicalities having nothing to do with the PATRIOT Act. In other words, the war on terrorism is just an irrelevant excuse for the expansion of power, not for the empowerment of our community. It describes the opposite of a war, the books you buy, send undercover agents to your community group meetings, or search your home without a warrant.
The PATRIOT Act is a war on liberty to create a false sense of security. I urge my colleagues to join me in rejecting this underhanded ploy.

Mr. CASE. Madam Speaker, as an original cosponsor of H.R. 3989, the Combat Methamphetamine Epidemic Act, and as an uncommitted member of the Congressional Caucus to Fight and Control Methamphetamine, I rise in support of its passage, as Title VII in H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005.

I would like to thank Congressman Mark Souder, the chief sponsor of H.R. 3889, for his leadership in addressing our methamphetamine epidemic. Last year, Congressman Souder visited my district in order to fully understand first-hand the unique challenges we in Hawaii face, to hear of our efforts to keep drugs out of our homes and communities, and to see our successes in our fight against the scourge of crystal methamphetamine, ice. And he just returned to address the 2nd Annual National Methamphetamine Legislative and Policy Conference of the National Alliance for Model Drug Laws. Such a world is not the stuff of Hollywood movies. It is our 21st century world.

Imagine a world in which terrorists make deals and connect with recruits on-line, in cars, hotel lobbies or cafes all over the world. Communication is highly compartmentalized so few, if any, know what the big plans are. Sometimes, physical runners deliver messages to evade listening devices. Such a world is not the stuff of Hollywood movies. It is our 21st century world.

The horrific events of September 11, and the more recent bombings in Bali, Britain, Jordan, Madrid, Morocco, Saudi Arabia and Turkey remind us that the terrorists are prepared to strike with maximum force and with maximum destructive force.

With this as a backdrop, it has been and remains my view that the PATRIOT Act tools are needed: to track communications by email and internet, including the use of internet sites in libraries, and to prevent and disrupt plots against us.

Such powerful tools must be narrowly tailored to ensure that they do not violate the rights of innocent Americans. In reauthorizing the PATRIOT Act, Congress had an opportunity to refine the law, but this conference report reflects only modest improvements.

Many of us in both bodies worked hard to make this conference report better. In the end, we asked for three things of critical importance.

First, four-year sunsets on the most controversial provisions—Section 215 orders; Section 206 roving wiretaps, and the Lone Wolf provision. This request was accepted.

Second, dropping the 1-year criminal penalty on divulging that a National Security Letter was to protest the way the Conference was conducted, that the records must be retained by requiring that the records must be kept for at least 4 more years.

Third, modifying the rebuttable presumption language with a "gag" order on recipients of NSLs. This is an important flaw in the bill and, sadly, our requested change was not accepted.

To remedy this, several of us will introduce legislation to replace the "conclusive" presumption language with a "rebuttable" presumption, and to incorporate critical checks and balances on the "front end" of the NSL process. Such changes will help ensure NSLs cannot be used as a "back door" for getting library circulation, medical, tax, educational or other sensitive records, and will help protect against other abuses. This legislation will also ensure Congress is finally provided with meaningful, detailed reports on NSLs, which are critical to effective oversight.

Another flaw in the report is Section 215, commonly called the Library provision, which allows the government to gather a wide range of business materials, including library, medical and tax records. This section is tightened by requiring that the records must be "relevant" to a terrorism investigation. But the conference report should have explicitly required that the records be from a foreign power, or an agent of a foreign power—the traditional FISA standard.

My refusal to sign the conference report was to protest the way the Conference was managed. Instead of taking a few additional days to craft a strong bipartisan report that strikes the best balance, the majority rushed to file this flawed report. That is why I have co-sponsored HR 4506, to provide a 3-month extension of the PATRIOT Act to give the conferees additional time to bring to the floor a more fully tailored, bipartisan report. But the majority insists we proceed today.

My view of the PATRIOT Act is we need to mend it, not end it. Today we are mending it. Hopefully, soon, we will finish the job.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to this conference report on the PATRIOT Act. Simply stated, Mr. Speaker, passing this conference report today will institutionalize an abridgment of the Bill of Rights.

Like all of my colleagues, I support common sense measures that will help our law enforcement and intelligence organizations protect the American people. For example, I support the provisions of the PATRIOT Act that permit surreptitious and physical searches in foreign intelligence investigations where the "significant" purpose of the action is to collect intelligence. I also favor the provisions that allow the sharing of foreign intelligence information with federal law enforcement agencies, or with intelligence, protective, immigration, or military personnel for their official use. These are useful and necessary provisions that have clearly benefited our intelligence and law enforcement counterterrorism efforts without endangering the civil liberties of Americans. However, the conference report before us contains too many provisions and excludes too many others, making it impossible for me to support it in its current form.

When this bill was on the House floor in July, I expressed grave concern about several provisions, including Section 215, which allows the so called "sneak and peek" searches in anyone's home, as well as Section 215, which allows investigators broad access to any record without probable cause of a crime. This bill has not improved with age.

If this bill passed, this bill would, among other things:

Allow the "sneak and peek" searches to go on with no meaningful judicial review for at least 4 more years.

Allow the government to spy on your library book checkout habits and possibly your conversations with your attorney for at least 4 more years.

Allow secret eavesdropping and secret search orders that do not name a target or a location for at least 4 more years.

This bill effectively guts the Fourth Amendment. Let me repeat that. This bill guts the Fourth Amendment.
How can any American feel “secure in their persons, houses, papers, and effects, against unreasonable searches” if the Department of Justice can send agents into one’s home without notice, either before or after the fact? True, this new version of the Act provides for a 90-day maximum for notification of a subject that they have been in a house searched, but it is weak protection that in effect allows the fact of a search to be concealed from the subject indefinitely.

How can any American feel “secure in their persons, houses, papers, and effects, against unreasonable searches” if the government is allowed to eavesdrop on a telephone conversation or secretly search a home or business and, in effect, fill in the names and locations on the search order later?

The search powers that would be reauthorized under this bill are too sweeping and will receive too little oversight if this bill passes in its current form, and that is unacceptable, Mr. Speaker.

Finally, this bill is significant for what it does not do: it fails to restructure the homeland security and intelligence apparatus we must have in a risk-based model. There is simply no excuse for a State like New Jersey to get a smaller percentage of homeland security grants than States that clearly are not at the same level of risk of being attacked. Homeland Security grant money have been distributed based not on budgets but on politics. The House strongly supported changing the distribution formula so that States, like New Jersey, that face greater risk of terrorist attacks or other catastrophic events would get a greater share of the grant money, a viewed shared by Secretary Chertoff. Further, the members of the 9/11 Commission recently reiterated their support for a change in the formula and said, “it should be obvious that our defenses should be strongest were the enemy intends to strike—and where we are most vulnerable.”

Failing to distribute these vital homeland security grants according to risk is like sending hurricane preparedness funds to North Dakota. They may be well-received, but sending them to a low-risk area comes at a price to parts of the country that need it more.

The FBI and Department of Homeland Security have repeatedly warned of the threat to transportation and economic infrastructure targets in New Jersey, and we know from published press reports that Al Qaeda operatives have conducted surveillance activities against economic and other targets in New Jersey. Under this bill, New Jersey will not receive the Federal support it needs to harden these targets or full range of tools that our police and other first responders would require to respond should another 9/11-style attack occur. The conferees had a chance to correct this glaring weakness but they failed to do so, and if for no other reason, I urge my colleagues to vote no on this conference report.

As President Woodrow Wilson said almost 100 years ago, “liberty has never come from the government. Liberty has always been from the subjects of it. The history of liberty is the history of resistance. The history of liberty is a history of limitations of government power, not the increase of it.” Today, we have made the mistake of ignoring history and increased the government’s power at the expense of our citizen’s liberty. This is a grave error, and it is why I will vote against reauthorization of the PATRIOT Act.

Mr. SMITH of Texas, Madam Speaker, I support this PATRIOT Act conference report, and appreciate the time and effort Chairman SENSENBRENNER has put into bringing it to the floor.

We know Americans will continue to be a terrorist target as long as we stand for freedom and democracy. That lesson was learned on September 11, 2001.

We must do everything legally possible to protect Americans from attack. This conference report helps law enforcement officials prevent, investigate, and prosecute acts of terror.

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

But certain provisions of the PATRIOT Act expire at the end of this year. This conference report renews many of those provisions and improves on the original legislation.

It makes permanent the ability of law enforcement officials and intelligence officers to communicate about on-going investigations. It also makes permanent provisions that allow the government to do its job by obtaining warrants and gathering information during terrorism investigations.

America is a safer country today than before September 11, 2001, because of the PATRIOT Act.

Over 200 people in the United States have been charged with crimes tied to international terrorist investigations and have been convicted or have pled guilty because of the PATRIOT Act.

Law enforcement and intelligence agencies must continue to have the powers they need to protect all Americans.

I urge my colleagues to support this conference report.

Also, I am placing in the RECORD an op-ed that appeared in the Washington Times on December 13, titled “Preserving the PATRIOT Act.”

**Preserving the PATRIOT Act**

(By Frank J. Gaffney, Jr.)

The proverbial rubber is about to meet the road. This week, the U.S. Congress will determine if the U.S.A. Patriot Act—the most important domestic security legislation since September 11, 2001—will be re-enacted in slightly weakened form or allowed to lapse in a number of its key provisions.

Since the consequences of the latter would be manifestly detrimental to the War for the Free World, legislators opposed to the Act have offered to extend it for a short period—a gambit they hope will allow them to dumb it down still further. But make no mistake: Additional delay and more negotiations will not improve either the bill or the national security. To the contrary, they likely would jeopardize both.

That would be particularly true if the Patriot Act’s most vociferous critics on the Left and their less numerous (and most unlikely) bedfellows on the Right get their way. They tend to characterize the Act as an assault on the basic freedoms enshrined in the Bill of Rights and have sought far-reaching changes in the tools it provides law enforcement to detect and prevent terrorist plots inside the United States.

In reality, the Patriot Act is an eminently sensible overhaul of outdated anti-terrorist statutes and an upgraded counterterror arsenal, an overhaul that reflects the realization we cannot hope to fight a 21st-century war using 20th-century legal instruments.

Consider two elements critics have most insistently demanded be repealed: (1) the so-called “library records” provision (Section 215), and (2) the authorization of what have been derided as “sneak-and-peek” search warrants (Sec. 213).

A key provision of government access to library information is truly a manufactured controversy. For one thing, libraries are not mentioned anywhere in the pertinent Patriot Act provision. More permanent has been authorized for decades in ordinary criminal cases to subpoena library records (along with any other business records). This has not had any noticeable effect on Americans’ reading habits.

The Patriot Act only made business records (including those of libraries) available on roughly the same terms in the national security cases as they have long been in criminal cases.

The reason should be obvious: It makes no sense to ensnare libraries as safe havens for terrorist planning.

In fact, as we now know, many of the September 11 hijackers used American and European libraries to prepare their attacks. Relevant literature, including bomb manuals and jihadist materials, have been staples of terrorism prosecutions for more than a decade. Privacy extremists of organizations like the American Civil Liberties Union (ACLU) nevertheless have reacted to the Act’s much-needed business records law as if the Gestapo had seized office in the United States.

Similarly, the PATRIOT Act did not—as its critics would have us believe—create new and unsavory “sneak-and-peek” warrants. It does, however, allow agents to search premises but delay notification of the search to subjects of a terrorism investigation.

The PATRIOT Act’s notification provision is no different in principle from the legal notice previously required to persons interested in a court-ordered wiretap. In such situations, notification of the target has routinely been delayed for weeks or months after the eavesdropping ends. Doing so can be absolutely critical to the arrest and prosecution of suspected perpetrators: Delayed notification allows the government to complete its investigation without giving the subjects a heads-up that would certainly cause them to flee or destroy evidence.

The Patriot Act, in the so-called “sneak-and-peek” arena, established consistent standards federal courts must follow in determining whether to permit delayed notification. Previously, a hodgepodge of different procedures were allowed for different jurisdictions. This is precisely the sort of fairness and equal protection Congress should provide—yet, it has been criticized sharply for doing so in the PATRIOT Act.

On both the business records and delayed notification sections of the PATRIOT Act (among others), the stance of the American Civil Liberties Union and like-minded critics seems to have an ulterior motive. They not only oppose such legislation in the PATRIOT Act. The appear intent on perpetuating unsettled case law on use of these authorities on crimes unrelated to terror.

Congress should not encourage, let alone facilitate, such efforts. We support extension of the PATRIOT Act for further revision and adulation. The original PATRIOT Act as a
whole infringed only modestly on our civil liberties and did not meaningfully intrude on the privacy rights of law-abiding Americans. We need to keep in mind, moreover, that if its purposedo not prevent some terrorist attack, we are likely to see impos-sioned demands for greater security measures at the expense of our freedoms. Since few, if any, terrorist provisions would be enacted before they commit horrific acts of violence against innocent people. All we are ask-ing is that we prevent unnecessary civil rights violations by ensuring that the administration is not abusing its powers. But this new provi-sion is just the most glaring example of the lack of diligence that this Congress appears to have on protecting our rights.

I am incredibly disappointed that throughout the entire debate on this legislation, the leadership of this House has refused even to discuss the topic of civil liberties, the very issue that makes this legislation so divisive. When the House debated the bill in July, the Rules Committee denied a bipartisan effort to debate an amendment offered by Representatives Christopher Shays, Tom Udall and myself that would have made the Privacy and Civil Liberties Board, created by the Intelligence Reform and Terrorism Prevention Act, more robust. This board would have been in line with what the 9/11 Commission envisioned when they issued their report. Today, 3 days before the 1 year anniversary of the signing of the Intelligence Reform and Terrorism Preven-tion Act, the Privacy and Civil Liberties Board has yet to hold a meeting and the 9/11 Commission has given Congress and the President a D for our work implementing this board. It appears to me that Congress and the President refuses to even have a discussion about our civil liberties and are opposed to im-plementing recommendations. This bill is just another example of that.

I urge my colleagues to vote against this conference report.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join my many colleagues, many victims of terrorism, and many victims of racial and religious profiling in opposing this legisla-tion, H.R. 3199, for several reasons. First, we have never been given the facts necessary to fully evaluate the operation of the underlying bill, the USA PATRIOT Act. Second, there are numerous provisions in both the expiring and other sections of the PATRIOT Act that have little to do with combating terrorism, intrude on our privacy and civil liberties, and have been subject to repeated abuse and misuse by the Justice Department. Third, the legislation does not provide for specific, non-ambiguous civil rights protections and civil liberties abuses by the adminis-tration since the September 11 attacks. Fi-nally, the bill does not provide law enforce-ment with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism. Since 2002, 389 communities and 7 States have passed reso-lutions opposing parts of the PATRIOT Act, representing over 62 million people. Addition-ally, numerous groups ranging the political spectrum have come forward to oppose cer-tain aspects of the Act and to demand that Congress conduct more oversight on its use, including the American Civil Lib-erties Union, American Conservative Union, American Immigration Lawyers Association, American Library Association, Center for Con-stitutional Rights, Center for Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, Lawyers’ Committee for Civil Rights, National Associa-tion for the Advancement of Colored People—NAACP, National Association of Criminal De-fense Lawyers, People for the American Way, and numerous groups concerned about im-migrants’ rights.

I sit as ranking Democrat on the Sub-committee on Immigration, Border Security, and Claims. Of particular concern to me are a number of immigration-related provisions that cast such a broad net to allow for the deten-tion and deportation of people engaging in in-nocent associational activity and constitu-tionally protected speech and that permit the indefinite detention of immigrants and nonci-zens who are not terrorists.

Among these troubling provisions are those that:

Authorize the Attorney General, AG, to ar-rest and detain noncitizens based on mere suspicion, and require that they remain in de-tention “irrespective of any relief they may be eligible for or granted.” (In order to grant someone relief from deportation, an immigra-tion judge must find that the person is not a terrorist, a criminal, or someone who has en-gaged in fraud or misrepresentation. When re lief from deportation is granted, no person should be subject to continued detention based merely on the Attorney General’s unproven suspicions.

The AG should bring charges against a person who has been arrested and detained as a “certified” terrorist suspect within 7 days, but the law does not require that those charges be based on terrorism-related of-fenses. As a result, an alien can be treated as a terrorist suspect simply accused of having only minor immigration violation, and may never have his or her day in court to prove otherwise.

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

Deny legal permanent residents readmission to the U.S. based solely on speech protected by the first amendment. The laws punish those who “endorse, espouse, or per-suade others to support terrorist activity or ter-rorist organizations.” Rather than prohibiting speech that incites violence or criminal activ-ity, these new grounds of inadmissibility pun-ish speech that “undermines the United States efforts to reduce terrorist activity.” This language is unconstitutionally vague and overbroad, and will undeniably have a chilling effect on constitutionally protected speech.

Authorize the AG and the Secretary of State to designate domestic groups as terrorist orga-nizations and block any noncitizen who be-longs to them from entering the country. Under this provision, the mere payment of membership dues is a deportable offense. This does not make sense to me, and does not constitute guilt by association. Our laws should punish people who commit crimes, not punish people based on their beliefs or associations.

In addition, the current administration has taken some deeply troubling steps since Sep-tember 11. Along with supporting the USA PA-TRIOT Act, it has initiated new policies and practices that negate fundamental due process protections and jeopardize basic civil lib-erties for noncitizens in the United States. These constitutionally dubious initiatives un-dermine our historical commitment to the fair treatment of every individual before the law and do not enhance our security. Issued with-out congressional consultation or approval,
these new measures include regulations that increase secrecy, limit accountability, and erode important due process principles that set our Nation apart from other countries. I cosponsored the Civil Liberties Restoration Act, CLRA, reintroduced from the 108th Congress by Representatives Howard Berman and Walter J. D Rohn, that seeks to roll back some of these egregious post-9/11 policies and to strike an appropriate balance between security needs and liberty interests. The CLRA would secure due process protections and civil liberties for noncitizens in the U.S., enhance the effectiveness of our Nation’s enforcement activities, restore the confidence of immigrant communities in the fairness of our government, and facilitate our efforts at promoting human rights and democracy around the world.

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

My ‘safe havens’ amendment that relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensatory damages for which a terrorist organization has been adjudged liable, fortunately not included in the text of the conference report as section 127.

It is the sense of Congress that under section 981 of title 18, United States Code, victims of terrorists attacks should have access to the assets forfeited.

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

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

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

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

Similarly, American veterans who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, no sanctions were imposed against Libya without requiring as a condition the determination of all claims of American victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American service men and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

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

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

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

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

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

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

Its been used to unconstitutionally coerce an internet service provider to divulge information about e-mail activity and web surfing on its system, and then to gag that provider from even disclosing that gagging order to the public.

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

It’s been used to change, detain and prosecute a 12-year old Muslim student in Idaho for posting internet website links to objectionable materials, even though the same links were available on the U.S. Government’s website.

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

Is it here is it helpful when our government concedes the torture of prisoners at home and abroad, authorizes the monitoring of mosques and religious sites without any indication of criminal activity, and detains scores of individuals as material witnesses because it does not have evidence to indict them. This makes our citizens less safe not more safe, and under-mines our role as a beacon of democracy and freedom.

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

Mr. HYDE. Madam Speaker, I am very pleased with the conference report. H.R. 3199, to renew the PATRIOT Act. I want to thank and compliment all the conference and the administration for bringing this about.

By renewing this measure, we are continuing to provide our law enforcement agencies and the administration with many of the critical tools needed to combat global terrorism and protect America. Provisions of the PATRIOT Act have already been instrumental in warding off further terrorist attacks since 9/11, and they are responsible for helping to keep us safe here at home.

In addition, the bill includes an added provision, which I authored, offering a new tool to attack the growing phenomenon of narco-terrorism, with the proceeds of illicit drug funding being fed into terrorist organizations, FTOs, and supporting acts of terrorism. Passage of the PATRIOT Act conference report will enhance Federal criminal law to effectively address the current reality, according to the Drug Enforcement Administration, of illicit drugs being linked to nearly half of the designated FTOs around the globe today.

In this measure, my provision makes narco-terrorism, which involves both the illicit drug trade and support for terrorism, a Federal crime, and provides tough penalties that match the nature of such deadly and dual criminal activity.

Our hardworking Drug Enforcement Administration will no longer be challenged to...
produce evidence of a nexus of these illicit drugs to the United States, if there is proof that the illicit drugs support FTOs or acts of terrorism.

In Afghanistan, most of the heroin from illicit drug production goes to Europe, rather than here, and much of the profit then finances and supports terrorists and attacks on our forces there. My provision will give us the tools to attack that drug-related support for terrorism and further protect America, our troops, and coalition forces on the ground in places like Afghanistan.

Madam Speaker, I urge my colleagues to support the passage of the PATRIOT Act conference report.

Ms. HART. Madam Speaker, I rise in Support of H.R. 3199, the PATRIOT Act reauthorization conference report.

This is a balanced reauthorization—protecting civil liberties and extending the necessary provisions to help us fight the war on terror here at home.

I want to thank Chairman SENSENIBRENNER for including a number of provisions from H.R. 3007 creating Terrorism Financing Act.

Funding is the lifeline of terrorist organizations—if we are to prevent future attacks and continue to dismantle terrorist organizations we must deny them funding.

Terrorist analysts often note that it is fairly inexpensive to carry out a single act of terror—for example, it is estimated that the attack on the World Trade Center cost only $500,000.

Terrorist organizations need money not just to carry out such attacks; they also need funding for continuing their operations such as recruiting and training new members and support their current members.

One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations and cells, terrorism funding does not come from a single source. Terrorist networks are funded through state sponsorship, charities and businesses fronting as legitimate institutions, and exploitation of markets and financial networks.

The tough terrorism financing language in the conference report will increase penalties for terrorism financing.

In addition, the bill will add new predicate money laundering offenses to allow law enforcement to investigate and dismantle terrorist financing organizations.

Finally, the original PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating an act of terrorism against the United States.

The language in the conference report adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or international organizations acting within the jurisdiction of the United States.

The language in the conference report builds on our current laws, to address some of the shortfalls that we have learned about since September 11.

Terrorists work to find the holes in our laws and we must make sure that we continue to be diligent to update them so that we can cut off their funds and stop future attacks against us and our allies in the war on terror.

Mr. SKELTON. Madam Speaker, the PATRIOT Act has been an important law enforcement tool in the years following the disastrous terrorist attacks on our country, and taken as a whole, the bill has enhanced our national security. The United States and our allies are fighting a war like no other. It is an unconventional war that must be met with unconventional tools used by law enforcement professionals to protect American people from those who would do us harm.

The PATRIOT Act provides federal officers greater powers to trace and intercept terrorists’ communications for law enforcement and foreign intelligence purposes. It reinforces federal law enforcement regulations in an effort to deny terrorists the resources necessary for future attacks. It tightens laws pertaining to seaport security. And, it creates several new federal crimes, such as laws outlawing terrorists’ attacks on mass transit and increases penalties for many other violations of the law.

As is true of any law that empowers the government to collect security-related information domestically, evaluating the PATRIOT Act requires us to weigh a wide range of competing interests, like the ability of our government to detect and thwart terrorist attacks and the constitutional rights of the American people. Of course, proper oversight of the PATRIOT Act by Congress is essential to guaranteeing our constitutional rights are not trampl.

Important for Missouri, the PATRIOT Act Conference Report also includes bipartisan language that helps fight the scourge of methamphetamine abuse in America. This drug epidemic has been especially hard on rural areas. The bill bans over-the-counter sales of cold medicines that contain ingredients commonly used to make methamphetamine, allowing the sale only from locked cabinets or behind the counter. It limits the monthly amount any individual could purchase, requires individuals to present photo identification in order to purchase such medicines, and requires stores to keep personal information about these customers for at least 2 years after the purchase of these medicines. The bill also allows judges to impose strict sentences for those who possess pseudoephedrine with the intent to distribute it for methamphetamine creation.

I urge my colleagues to support reauthorization of the PATRIOT Act.

Mr. KENNEDY of Minnesota. Madam Speaker, from keeping our children safe to winning the war on terrorism, we face many challenges, but few are like meth, which threatens lives, safety and health, at great cost to all of us.

I am pleased that this conference report contains many significant provisions that I have authored, including 4 enhanced criminal penalties originally introduced in the Kennedy-Hooley SLAM Act.

It also contains a drug certification provision of mine that will stop the flood of meth from international superlabs.

We must send a signal to the pushers of this poison that they are not welcome in our communities.

Madam Speaker, this bipartisan legislation deserves the support of both bodies because it is a comprehensive response to the methamphetamine problem in America.

It will send a strong signal that Congress is serious about fighting the scourge of meth.

While the criminal penalties in this bill would be more effective if they were as tough as what were originally introduced, Chairmen SENSENIBRENNER and LEAHY show leadership in moving this bill to the Floor, and I urge the swift passage of this important legislation.

Most importantly, our actions today will send a signal to the law enforcement officers who wake up every morning to protect our families that we stand with them in the fight against drugs and will work to give them every tool they need to be successful.

Additionally, this conference report reauthorizes the USA PATRIOT Act, which fulfills the high responsibility of protecting our citizens while ensuring their fundamental privacy rights are not abused.

For many years, law enforcement officials lacked the same tools for tracking down suspected terrorists as they had for drug dealers, mobsters and other criminals.

Extending the provisions of the PATRIOT Act that are scheduled to expire December 31 will allow law enforcement officers to monitor suspected terrorists’ communications and share critical intelligence information.

These are vital tools for law enforcement that we need to help keep America safe, tools that carry with them strict safeguards to prevent the abuse of our civil liberties.

These safeguards will ensure that the PATRIOT Act is used only for its intended purposes, catching terrorists before they can do us harm, and not to curtail the strong tradition of personal privacy that Americans have long enjoyed.

Madam Speaker, I urge all of my colleagues in both bodies to support this extension of the authorization of the PATRIOT Act, which contains important provisions in this Nation’s fight against meth.

Mr. VAN HOLLEN. Madam Speaker, I rise to explain my decision to vote against the Conference Report on the PATRIOT Act.

Some of the provisions that are being authorized in this bill provide law enforcement officials with important tools that may be helpful in detecting and disrupting terrorist activities. I support those provisions. Other provisions, however, fail to provide adequate safeguards that the privacy rights of innocent citizens are protected. It is very important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect.

We can ensure that the government has the necessary surveillance powers without sacrificing the privacy rights of Americans.

In the aftermath of September 11, 2001, it is essential that we strengthen our ability to detect, deter, and disrupt terrorist activities. Many provisions in the PATRIOT Act accomplish that objective in a balanced way. Other provisions, however, leave innocent Americans vulnerable to unchecked, unwarranted, and potentially abusive invasions of privacy. Many of these concerns were addressed in the Senate bill
that passed by bipartisan, unanimous support. Unfortunately, the conference abandoned many of the safeguards in the final conference agreement.

The Conference Report falls short in a number of areas. Let me focus on 2 of these issues: the National Security Letters and the Foreign Intelligence Surveillance Act court orders.

The "National Security Letters" provision: (1) This authorization has no sunset; (2) It provides no judicial review of a National Security Letter order. This is a departure from current law which allows the recipient of such a Letter to challenge it in court. The conference agreement requires the court to accept the government's assertion as "conclusive". (3) Moreover, the conference report allows the government to maintain information gathered from the National Security Letters under the Foreign Intelligence Surveillance Act court orders.

Second, this conference report fails to address the very real issue that has been of great concern to many Americans: Section 215 secret court orders for library, medical, and other personal records. It leaves the standard for obtaining "any tangible thing" at simply a "relevance" standard to an investigation, and does not require the government to conduct a fishing expedition if it deems appropriate.

As I, along with several of my colleagues, said in a letter to Chairman Sensenbrenner and Chairman Specter, there is nothing in the conference report that will stop the government from secretively searching our mail and other private communications. The conference report's phasing out of the National Security Letters does nothing more than extend the life of the program.

I am disappointed that conferees have decidedly chosen to once again place partisanship over very values the terrorists are trying to destroy. I urge my colleagues to reject this conference report and take a bipartisan approach to protecting Americans' lives and liberties.

The USA PATRIOT Act was enacted shortly after 9/11. I have met with many constituents and countless groups to discuss the details of this controversial legislation. Last year, I hosted a town hall meeting to hear what my constituents thought about the USA PATRIOT Act. While some in the audience were concerned that it was necessary to prevent another terrorist attack, most of the crowd, as well as most Rhode Islanders, believed we have already ceded too much ground with respect to our civil liberties. In my State, seven cities and towns have passed resolutions opposing parts of the USA PATRIOT Act, and my constituents understand what this bill means to them and their freedom.

Last week, the 9/11 Commission released a report card on the implementation of the group's recommendations. For "balance between security and civil liberties," the government received a "B," which is a high grade considering they were given more "F's" than "A's." However, the report card cautioned that "robust and continuing oversight, both within the Executive and by the Congress, will be essential to move closer to A than F," but this conference report does not accomplish that goal. By making 14 of the 16 expiring provisions of the USA PATRIOT Act permanent, I worry that Congress will be less likely to engage in vigorous oversight to protect our civil liberties of Americans.

The Senate proved that it is possible to protect both lives and liberties. Their legislation made permanent the less controversial portions of the act, but implemented commonsense changes to add a layer of protection for individual liberties while keeping America safe. Unfortunately, most of these improvements were not incorporated into the conference report. For instance, the Senate version required the government to show that a person is connected to terrorism or espionage before investigators can obtain medical or financial records. The bill before us permits the government to go on fishing expeditions to look for information without probable cause. In addition, the Senate required new, strong protections for "sneak and peak" searches and roving wiretaps. These improvements are also absent, from the conference agreement. I urge my colleagues to join me in supporting the motion to recommit, which asks conferees to adopt the bipartisan Senate language.

I recognize the need for our laws to keep pace with new technology and new threats. However, providing these tools need not come at the expense of the liberties and freedoms that we hold so dear. If we cede these, we have already given up too many of the things that terrorists are trying to destroy.

I am disappointed that conferees have decided to once again place partisanship over sound policy. Working together, we make America stronger, but Congress has again divided the American people. I urge my colleagues to join me in opposing H.R. 3199 and instead working to reauthorize the USA PATRIOT Act in a way that protects both our liberties and our country.
Ms. DeGETTE. Mr. Speaker, I was unavoidably absent from the vote today on H.R. 3199, the “USA PATRIOT Improvement and Reauthoriza tion Act of 2005” due to a family medical emergency. Had I been present and voting, I would have voted “no” on this bill as I believe it needs to be more narrowly crafted and I support the action today to reauthorize the USA PATRIOT Act.

Within weeks after the horrendous terrorist attacks of 2001, Congress responded with the PATRIOT Act, providing our law enforcement and intelligence communities with much-needed tools to track down terrorists, sever their communications networks, and prevent future attacks on our citizens. As chairman of the House Financial Services Committee, I was proud to help write the anti-terrorist financing provisions of this act. Millions of dollars in terrorist assets have been frozen or seized since 9/11. We have broken up suspected terrorist financing networks, including one in my home State of Ohio. The terrorist financing tools included in the act were further supplemented by the intelligence reform legislation approved in the wake of the 9/11 Commission’s report.

As a former agent of the FBI, I know that other sections of the PATRIOT Act have proven just as vital in assisting law enforcement combat the new threat of international terrorism. I am pleased that this reauthorization makes permanent all but a few of the provisions of the PATRIOT Act, extends the sunset for remaining authorities for the 4-year sunset for the remaining authorities was made a part of this final product. Including any sunset sends the wrong signal to our law enforcement agencies, indicating that our trust in them is incomplete at a time when their services have helped prevent further terrorist attacks. They should have our full support and every reasonable tool we can give them to help fight the global war on terror.

One of the provisions still subject to a sunset deals with the use of roving wiretaps. As one of the few Members of Congress who has conducted undercover surveillance, I can tell you now that the need for roving wiretap authority will not expire in 7 years. Tying intercept authority to an individual suspect rather than a particular communication device is simply common sense in this era of throwaway cell phones and e-mail accounts.

Further, there is absolutely no evidence that wiretap authority or any other USA PATRIOT Act provision has been used to violate the civil liberties of Americans. Congress recognizes the delicate balance between deterring terrorist activities and preserving the freedoms we hold so dear. I know beyond a doubt that terrorists make no such distinction.

The PATRIOT Act has been a success, and we as a nation are safer for it. Its provisions are helping to put the FBI and CIA on a more equal footing with terrorists, who use every available technology to plot with impunity. The act refines our surveillance laws for the high-technology era—something that has been long overdue.

I support the reauthorization of the USA PATRIOT Act, and hope that Congress will work toward making the roving wiretap and other temporary provisions permanent.

Mr. CARDIN. Madam Speaker, I rise in support of the conference report for H.R. 3199, the USA PATRIOT Act Terrorism Prevention Reauthorization Act of 2005.

Through the PATRIOT Act Congress has attempted the essential task of modernizing law enforcement tools to effectively combat the 21st century terrorist, who can now use cell phones, the internet, and e-mails to plan and coordinate attacks in the United States. As originally enacted in October 2001, many PATRIOT Act provisions are set to expire at the end of this month if Congress takes no action. The conference report before us extends and improves many provisions of the PATRIOT Act. It is a substantial improvement to the bill that was passed by the House in July 2005. I do have significant concerns and misgivings about the administration of the new powers of the PATRIOT Act, and I am pleased that this legislation addresses many of these concerns. This legislation: includes three sunset provisions for PATRIOT Act authorities; requires greater oversight by Congress and the judiciary of the Justice Department; and gives new rights to subjects of a government investigation. Given the complexity and importance of this measure, let me review these provisions in some detail.

The conference report applies to business records, roving wiretaps, and “lone-wolf” terrorist suspects who operate alone rather than as an agent of a foreign power. Congress must revisit these provisions in 4 years, which will expire unless renewed again. The conference report extends the Senate position of 4-year sunsets, and rejected the House position of 10-year sunsets.

Under the business records provision, section 215 of the PATRIOT Act, the bill provides the government the gag order for “any tangible item” if law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. The application to the FISA court, the Foreign Intelligence Surveillance Court, “must contain all relevant facts” proving that the information sought is “relevant” to the investigation. This bill provides greater protection than current law, which simply requires the government to certify the records were sought for an authorized investigation without an actual showing.

The conference report also explicitly provides—unlike current law—that anyone who receives a request for records under this provision may consult with an attorney in order to challenge the request. The bill requires new high-level approval by one of the top three FBI officials for certain records, including library records, medical records, educational records, and tax return records. The bill has several new requirements for the Justice Department, including: issuing “minimalization procedures” which limits the retention of, and prohibits dissemination of, information concerning U.S. persons; conducting two separate audits of the FBI’s use of section 215 orders, which will examine any improper or illegal use of this authority, and the manner in which the FBI has maintained, analyzed, and disseminated by the FBI; and requiring the public reporting of the aggregate use of section 215 orders, and a breakdown of its use to Congress—comparisons of library, medical, educational records, for example.

The roving wiretap provision, section 206 of the PATRIOT Act, provides that the FISA court may issue “roving” wiretaps to conduct surveillance on a foreign power or their agent when the target of surveillance has taken steps to thwart the investigation by changing cell phone numbers, account names, or other forms of communications.

Court orders would apply to a person or persons, not a particular device or location, so
Last week, Republican House and Senate negotiators reached an agreement to reauthorize the PATRIOT Act. As part of the deal agreed to by House and Senate Republican conferees, Federal law enforcement authorities will retain the right to: Investigate American citizens without judicial oversight, a power that is invoked more than 30,000 times each year; search individuals’ private property without notifying them; access citizens’ library records, medical records, school records, and financial records virtually unchecked by the judiciary.

The House-Senate conference committee had an opportunity to revise the PATRIOT Act’s existing provisions to protect the rights and liberties of all Americans more effectively. Regrettably, the opportunity was lost when Democratic conferees were excluded from key negotiations. The resulting conference report falls short of what the American people have every reason to expect Congress to achieve in defending their rights while advancing their security.

The conference report drops key protections in the Senate-passed bill regarding “national security letters.” National security letters, NSLs, are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities—most often FBI agents—without any court supervision, and recipients are prohibited from telling anyone that they have been served. The conference report also fails to protect the records of innocent Americans collected by means of these NSLs. Under the conference report, such records may be kept forever in government databases, shared with the intelligence community, and used for data-mining.

There is no more difficult task I have as a legislator than balancing the Nation’s security with our civil liberties, but this task is not a zero sum game. By passing a conference report that allows the troubling aspects of the PATRIOT Act to continue, we pursue a false sense of national security at the expense of our civil liberties. I opposed the PATRIOT Act when it first came to us in 2001 and I vote against it today.

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

The SPEAKER pro tempore. The question is on the motion to recommit. There was no objection.

Mr. CONyers. Madam Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the conference report.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 7, as follows:

AYES—202

Mr. CONyers. Madam Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the conference report.

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AYES—202

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AYES—202
NOT VOTING—7

DeGette  McDermott  Ros-Lehtinen
Hyde       Poe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining.

NOT VOTING—9

DeGette  McDermott  Poe
Hyde  Petersen (PA)  Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded are 2 minutes remaining in this vote.

NOT VOTING—11

Baldwin  Broun  Childers  Green (WI)  Hartzler  Holding  Kingston  Latham  Longoria  Minge

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded are 2 minutes remaining in this vote.
Mr. ISRAEL and Mr. BISHOP of Utah changed their vote from “yea” to “nay.”

Mr. TAYLOR of Mississippi and Mr. BOYD changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

State for:

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollover No. 627, I was inadvertently detained. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unable to vote during rollover No. 627. Had I been able to vote, I would have voted “yea” in support of the conference report on H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Clearly, we are in a time of heightened awareness and in need of greater security in order to prevent another terrorist attack on our land. It is our duty as Representatives of our constituents and fellow Americans to see to it that we provide the resources that are necessary to help prevent such an attack.

FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 596, I call up the further conference report on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume, and I would just like to say to my colleagues and friends on the other side of the aisle to take a second look at this bill. I know that, in various first iteration, they did not give us any votes, but let me point out that if the bill were to fail, we would end up with a CR, a full year’s CR, because you know we are not going home without something in this field.

These are important programs, over 500 of them. Could we have a CR? Well, there would be $800 million less for student aid, $278 million less for innovation and improvement programs, $178 million less for higher education programs, $94 million less for title I programs and $84 million less for special education programs. That would be a disastrous result that I do not think any of us on either side of the aisle would want to happen.

In addition, if we were to go to a CR, the bill would have failed the Senate or would have failed the Senate. LIHEAP funding would be reduced by $296 million, with no contingency for extreme weather. Community Services Block Grant would be cut $317 million. National Institutes of Health would be cut $158 million, with 200 fewer research grants.

Mr. Speaker, I want to say to my colleagues that this is not something we want to make as a Christmas gift to the American people, a CR on this bill. This bill is a good bill. It reflects good management of what we had to work with.

I might say at the outset that there are no earmarks in the bill, none, for anyone, either side or any person. Absolutely no earmarks, and no earmarks for the Senate either. But I want to tell you what happened to the earmarked money, because we had $1 billion in the bill that originally passed the House back early on. Of that money, $100 million is going to title I to help them go to college. $100 million is going to special education State grants to help the programs that help the disadvantaged students.

Mr. Speaker, I want to say to my colleagues that this is not something we want to make as a Christmas gift to the American people, a CR on this bill. This bill is a good bill. It reflects good management of what we had to work with.

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Mr. Speaker, $250 million is going to NIH for research, and we recognize that the challenge is great in that field to research medical issues. There is $317 million for Community Services Block Grant, and these help people with limited means. There is $176 million in LIHEAP and $66 million for community health centers, and community health centers obviously provide a place for people who do not have a family doctor and give them a place to go. So these are good programs. These are good uses of the money, and I think we all understand that in this time of tight budgets and tight resources, we have to set priorities. In so doing, we set the priorities I just outlined rather than to go into earmarks.

I want to say at the outset that this program is $1.4 billion under 2005, and there is no increase from the bill we had 2 weeks ago. How did we manage to meet these program needs? We did it by managing carefully. We looked at the programs and the funds that were available. I want to point out to my colleagues on the other side of the aisle that I do not think you want to go home and tell people in the education field that you voted against an increase, let me emphasize, an increase of $100 million over last year in title I. I do not think you want to tell the parents and families of children with special needs that you voted against an increase in special education of $100 million over last year. Head Start is up $6.8 million. Math and science partnerships, and we hear a lot about that today, these are up over last year. We have $100 million to develop teacher and principal programs, incentive programs, particularly at the elementary level.

THIO and Gear-UP, the President’s budget had zero, and we put those back into the bill because I think those are good programs. Again, they are well funded. Community health centers I mentioned are up $66 million. This is an important program. It is important in many communities, as is LIHEAP. Modernization, we are rolling out the new program, and we have $980 million in this bill to assist in getting people informed to meet their desires in terms of prescription drugs. That would not be continuing in a Christmas package.

NIH is $107 million over the President’s request. It is up this year $200-some million. People think of NIH being research at Bethesda. NIH is basically managing 40,000 grants going out to colleges, hospitals, medical services all over the country. I would guess that almost every Member has one or more research grants in his or her district that is funded out of NIH. That is very important, and we have an increase in that program. That is again part of the earmarked money, $296.6 billion.

Community Services Block Grant, a program that helps people get GEDs, is just one example of what is done with the community services. There are a whole host of things to help people with limited income and who need additional help.

In the Labor Department, we have $1.57 billion for Job Corps and $1.48 billion for displaced workers. How did we manage to increase a number of programs while at the same time keeping the total number under last year, $1.4 billion? Well, one of the ways that we have gotten the necessary funding to do the items that I mentioned in the way of increases was to eliminate 20 programs. We went through the whole list of programs, the 500, and said, Does this work? Is this a productive program?

The bill that left the House had about four programs terminated. The other body decided to put back some of those, but we still have 20 programs that have been discontinued or will be