

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 27, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 27, 2011 at 4:03 p.m.:

Appointment:
Congressional Budget Office.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 1, 2011 at 10:52 a.m.:

Appointments:
Board of Regents of the Smithsonian Institution.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2011.

Hon. JOHN A. BOEHNER,
Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 2, 2011 at 12:00 p.m.:

That the Senate passed S. 188.
Appointments:
Migratory Bird Conservation Commission.
President's Export Council.
With best wishes, I am,
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

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

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, February 3, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2011 at 10:33 a.m.:

Appointments:
Senate National Security Working Group.
Board of Trustees of Gallaudet University.
United States Holocaust Memorial Council.
Commission on Security and Cooperation in Europe.
United States-China Interparliamentary Group conference.
United States-Japan Interparliamentary Group conference.
Mexico-United States Interparliamentary Group conference.
United States-Russia Interparliamentary Group conference.
British-American Interparliamentary Group conference.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 4, 2011 at 11:52 a.m.:

Appointment:
Senate National Security Working Group.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Thursday, January 27, 2011:

H.R. 366, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXTENDING COUNTERTERRORISM
AUTHORITIES

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011. The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2011” and inserting “December 8, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2011” and inserting “December 8, 2011”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 514 currently under consideration.

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

There was no objection.

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

Next September 11 will mark the 10-year anniversary of the worst terrorist attack on the U.S. in history. America is fortunate not to have suffered another attack of such magnitude in the past decade, but we must not take this relative security for granted or let our safety become complacency.

America is safe today not because terrorists and spies have given up their

goal to destroy our freedoms and our way of life. We are safe today because the men and women of our Armed Forces, our intelligence community, and our law enforcement agencies work every single day to protect us. And Congress must ensure that they are equipped with the resources they need to counteract continuing terrorist threats.

On February 28, three important provisions of the USA PATRIOT Act will expire. These provisions give investigators in national security cases the authority to conduct “roving” wiretaps, to seek certain business records, and to gather intelligence on lone terrorists who are not affiliated with a known terrorist group. These types of provisions have been used by domestic law enforcement agencies for years to apprehend typical criminals. It is common sense to give our national security investigators the same tools to fight terrorists that our police officers have to combat crime.

The ongoing threat from al Qaeda and other terrorist groups continues. In the last few years, terrorists have attempted to blow up a plane over Detroit; to bomb New York’s subway system; to destroy skyscrapers in Dallas, Texas, and Springfield, Illinois; and to detonate a car bomb in New York City’s Times Square. Most of these plots were thwarted thanks to the Patriot Act and other national security laws.

The Patriot Act works. It has proved effective in preventing terrorist attacks and protecting Americans. To let these provisions expire would leave every American less safe. We must continue these intelligence-gathering measures to win our fight against terrorists. And President Obama agrees.

In a letter to Congress last month, Director of National Intelligence Admiral Clapper and Attorney General Holder urged us to reauthorize the expiring provisions, noting that they are critical tools that “have been used in numerous highly sensitive intelligence collection operations.”

□ 1430

This bill reauthorizes the expiring provisions through December 8, 2011, the last day that the House of Representatives is scheduled to be in session. This extension serves two important functions. First, it ensures that these intelligence-gathering tools will remain available to national security investigators. And second, it provides Congress with the opportunity to engage in a thorough review of these provisions as we pursue and consider a longer reauthorization.

I urge my colleagues to support our ability to continue to protect Americans against terrorist plots and attacks.

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

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

I reluctantly rise in nonsupport of this provision to extend expiring provi-

sions of the Patriot Act because of section 215 of the Patriot Act, which I’d like to call to your attention. This is the act that allows a secret FISA court to authorize our government to collect business records or anything else, requiring that a person or business produce virtually any type record. We don’t think that that was right then. We don’t think it’s right now. And I feel obligated to oppose any extension of these expiring acts since we’ve had no hearings, no markup, no committee vote, nobody’s done anything about it. They’re saying, well, ex-chairman, just support this, and we’ll get to it afterward. Well, I can’t go along with that.

This provision is contrary to traditional notions of search and seizure which require the government to show reasonable suspicion or probable cause before undertaking an investigation that infringes upon a person’s privacy. And so I urge a “no” vote on the extension of these expiring provisions.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is currently the chairman of the Crime, Terrorism, and Homeland Security Subcommittee of the Judiciary Committee, and who previously, as chairman of the Judiciary Committee itself, was responsible for writing the Patriot Act provisions.

Mr. SENSENBRENNER. Mr. Speaker, at the outset, let me say I’m a little bit puzzled that my friend from Michigan (Mr. CONYERS) is opposing the extension of these three provisions of the Patriot Act today because last year, he called up a Senate bill that provided for a year’s extension of these three provisions, and managed the time and voted for it. And after hearing his comments, I’m wondering why he has changed his mind.

In 19 days, three national security laws will expire unless Congress votes to reauthorize them. H.R. 514 temporarily extends these laws—FISA business records, roving wiretaps, and the lone wolf definition—until December 8 of this year.

As chairman of the House Judiciary Committee in the last decade, I oversaw the enactment of the USA PATRIOT Act in response to the 9/11 terrorist attacks. Title II of the act addressed enhanced foreign intelligence and law enforcement surveillance authority. Sixteen sections of that title were originally set to expire on December 31, 2005. Also set to expire on that date was section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, which is the lone wolf definition.

In 2005, I again spearheaded the effort to reauthorize the Patriot Act. Recognizing the significance of the act to America’s counterterrorism operations and the need for thorough oversight, the House Judiciary Committee held 9 subcommittee hearings, 3 days of full committee hearings, then a robust full committee markup reauthorizing legislation.

The USA PATRIOT Improvement and Reauthorization Act of 2005 made permanent 14 of the 16 intelligence provisions. The act extended the sunset on section 206 FISA roving wiretaps, section 215 FISA business records, and the lone wolf definition until the end of 2009.

But the three remaining temporary provisions were not reauthorized before that deadline. Instead, the then-Democratic majority chose twice to extend the provisions, first for 2 months and then for a year, without ever bringing a reauthorization bill to the floor.

This Congress, things will be different. We must approve a temporary extension today to keep these critical national security tools in place. This extension will afford Congress sufficient time to hold hearings and markups, then adopt a permanent reauthorization of these provisions this year, which I intend to introduce soon.

The time for multiple temporary extensions is over. The terrorist threat has not subsided and will not expire, and neither should our national security laws.

It is equally important that Congress make permanent the lone wolf definition. This provision closes the gap in the FISA act and, if allowed to expire, could permit an individual terrorist to slip through the cracks and carry out his plot undetected. When FISA was originally enacted in 1978, terrorists were believed to be members of an identified group. That’s not the case today.

Today, more than ever, we are confronted with threats from loosely organized terrorist groups or individuals who may subscribe to a movement or certain beliefs but do not belong to or identify themselves with a specific terrorist group. Without the lone wolf definition, our surveillance tools will be powerless to act against this growing threat to America’s security.

Section 206 of the Patriot Act authorizes the use of roving or multipoint wiretaps for national security and intelligence investigations. This allows the government to use a single wiretap order to cover any communications device that the target uses or may use. Without roving wiretap authority, investigators would be forced to seek a new court order each time they need to change the location, phone, or computer that needs to be monitored.

Section 215 of the act allows the FISA court to issue orders granting the government access to business records in foreign intelligence, international terrorism, and clandestine intelligence cases. The 2005 act expanded the safeguards against potential abuse of section 215 authority and included additional congressional oversight, procedural protections, application requirements, and judicial review. Each of these provisions are integral to defending America’s national security and must be kept intact.

I urge my colleagues to join me in passing H.R. 514.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York, JERROLD NADLER, who has been the chairman of the Constitution Subcommittee longer than any Member in the Congress.

□ 1440

Mr. NADLER. I thank the gentleman for yielding.

I rise in opposition to this extension of the expiring provisions of the Patriot Act and the Intelligence Reform and Terrorism Prevention Act.

I cannot support this extension when the House has done nothing to consider these provisions, or possible reforms, or even to hold a hearing or a markup. While in the past, Members have had the opportunity to receive classified briefings, we have dozens of new Members who have received no such briefings.

Section 215 authorizes the government to obtain “any tangible thing” relevant to a terrorism investigation, even if there is no showing that the “thing” pertains to suspected terrorists or terrorist activities. It is sweeping in scope, and the government is not required to show reasonable suspicion or probable cause before undertaking investigation that infringes upon a person’s privacy, including the records of what he has read in the library. Congress should either ensure that things collected with this power have a meaningful nexus to suspected terrorist activity or allow the provision to expire.

Section 206 provides for roving wiretaps which permit the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. This is supposedly to update the law to deal with portable cell phones and the like and other modern technology, but it goes too far. Without the necessity to specify either the person or the facility to be tapped, this is, for all practical purposes, a general grant of authority to wiretap anyone and anywhere the government wants. There are almost no limits to this authority and no requirement that the government name a specific target. This is very akin to the old British general Writs of Assistance which engendered the first colonial outrage that led to the American Revolution.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called lone wolf provision, permits secret intelligence surveillance of non-U.S. persons whose are concededly not affiliated with a foreign government or organization. According to government testimony, this provision has never been used, yet it remains on the books. It has never been used because there is ample other authority to do that in any event.

Surveillance of an individual who is not working with a foreign government or organization is not what we normally understand as foreign intelligence. There may be many good reasons for government to keep tabs on

such people, but that is no reason to suspend all our laws under the pretext that this is a foreign intelligence operation.

While some have argued that each of these authorities remain necessary tools in the fight against terrorism and that they must be extended without any modifications, others have counseled careful review and modification. Some have even urged that we allow some or all of these authorities to sunset. I believe we should not miss the opportunity to review the act in its entirety, to examine how it is working, where it has been successful, where it has failed, where it goes too far, and where it may need improvement. That is the purpose of sunsets, and to extend it without review undermines that purpose.

I have also introduced the National Security Letters Reform Act, which would make vital improvements to the current law in order to better protect civil liberties while ensuring that NSLs remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the NSL authority is too great for the Congress to ignore.

I realize the majority has the votes to extend these provisions. I hope we will be able, after this vote, to examine carefully the way these provisions have been used or abused, and to look at ways to reform the law in light of experience. That was the purpose of sunsets, and I hope we can take advantage of that opportunity.

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

The SPEAKER pro tempore. The gentleman from Texas has 12 minutes. The gentleman from Michigan has 15 minutes.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas, Mr. RON PAUL.

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

Mr. PAUL. Mr. Speaker, I rise in opposition to this bill. I was opposed to the Patriot Act in 2001, and do not believe now that it is a good idea to extend it.

The Fourth Amendment is rather clear. It says that we should be secure in our papers, our persons, our homes, and our effects; and, that if warrants are to be issued, we have to do it with probable cause, and describe in particular the places, the people, and the things that we are going to look at.

I think what has happened, though, over the years has been that we have diluted the Fourth Amendment. It was greatly diluted in 2001, but it started a lot earlier than that. When the FISA law was originally written in 1978, that really introduced the notion that the Fourth Amendment was relative and not absolute. Later on, it was further

weakened in 1998, and then of course in 2001.

I think our reaction to the horrors of 9/11—we can understand the concern and the fear that was developed, but I think the reaction took us in the wrong direction, because the assumption was made of course that we weren’t spending enough money on surveillance. Even though then our intelligence agencies received \$40 billion, that didn’t give us the right information. So now we are spending \$80 billion. But it also looks like the conclusion was that the American people had too much privacy, and if we undermine the American people’s privacy, somehow or another we are going to be safer.

I think another thing that has come up lately has been that the purpose of government is to make us perfectly safe. Now, it is good to be safe, but governments can’t make us safe. I question whether or not we have been made safer by the Patriot Act. But let’s say a law makes us somewhat safer. Is that a justification for the government to do anything they want?

For instance, if you want to be perfectly safe from child abuse and wife beating, the government could put a camera in every one of our houses and our bedrooms, and maybe there would be somebody made safer this way. But what would you be giving up?

So perfect safety is not the purpose of government. What we want from government is to enforce the law and to protect our liberties.

This, to me, has been, especially since 9/11, a classical example of sacrificing liberty for safety and security. Now, I didn’t invent those terms. They have been around a long time. And it is easily justified, and I can understand it, because I was here in 2001 when this came up, and people become frightened, and the American people want something done. But I think this is misdirected, and it doesn’t serve our benefits.

I think at this time we should really question why we are extending this. We are extending the three worst parts. Why were these sunsetted? Because people had concern about them. They weren’t sure they were good pieces and maybe they were overkill, and, therefore, they were saying we had better reassess it.

So what have we done? We have already extended it twice, and here we are going to do it again, with the intent, I think, in a year to reassess this. But this bill doesn’t make things worse, it doesn’t make anything better, but it does extend what I consider and others consider bad legislation. I ask for a “no” vote on this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I thank the gentleman for allowing me to speak on this very important issue, the reauthorization of the Patriot Act. For a variety of reasons, we need to reauthorize this bill.

First and foremost, there are three provisions I think we are all very familiar with. It's the lone wolf provision, it's the roving wiretaps of course, which is something else that we very much need to do, and also the business records provision.

With respect to roving wiretaps, I believe it has already been stated on this floor, but it should be stated once again: Law enforcement has been using roving wiretaps for years against drug dealers and organized crime, I believe since 1986. Extending that roving wiretap provision to terrorists makes good sense. We have been doing it. We need to give law enforcement and our intelligence services the tools they need to take down these terror plots before they become operational. That is why this extension is needed.

The lone wolf provision, it should be noted, is also important. Many of the types of plots we are trying to foil now are being carried out by lone wolves. Major Hasan is a good example. Jihad Jane and others are lone wolves, and we need this capacity so that we can pursue these lone wolves just as we would individuals or terrorists who are part of a terrorist organization or an agent of a foreign power. So that is absolutely essential.

With respect to the issue of the business records, often people would say that we are somehow trying to examine one's library records, what books they are reading. That's really not the case. We know that 9/11 terrorists were using public library computers. We knew that they were also using university library computers to make plane reservations as well as to confirm those reservations. So the idea is to be able to access one's business records. That's what we are after, to make sure that we cannot only apprehend or go after that individual who is planning an attack but also that cell or that network of individuals with whom that individual may be working. That is why we need this issue of business records contained in this reauthorization.

In fact, I am not even certain that the word "library" appears anywhere in the Patriot Act. Nevertheless, this has been dubbed the library provision, which really it is not.

For all of these reasons, I think it is critically important that we continue to provide our law enforcement with the tools they need, our intelligence services with the tools they need to stop terrorism. We cannot tie the hands of local law enforcement. We are asking them to do more and more.

The critics of this legislation often say we need to let law enforcement fight these battles. This gives them the tools. I urge passage and support for this reauthorization of the Patriot Act.

□ 1450

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), who has been the chair of

the Subcommittee on Crime in the Judiciary Committee for 4 years.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 514, which would extend for 1 year sweeping governmental intrusions into our lives and privacy that were authorized by the USA PATRIOT Act and the 2004 Intelligence Act. Without meaningful oversight demonstrating that these extraordinary powers are needed, we should not extend these provisions for one full year, or for any period of time, for that matter; and I therefore oppose the bill.

I am opposed because I simply do not accept the argument that in order to be safe, we necessarily have to sacrifice our rights and freedoms. I agree with Benjamin Franklin, who stated during the formation of our Nation that "they who give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

One of the provisions in the bill reauthorizes section 215 of the Patriot Act that gives the government power to secretly invade our private records, such as books we read at the library, by merely alleging that they are relevant to a terrorism investigation, but without having to show that the seized material is in connection with any specific suspected terrorists or terrorist activities. There is no requirement to show probable cause or even reasonable suspicion of being related to a specific act of terrorism, and therefore there is no meaningful standard to judge whether or not the material is in fact necessary.

Another provision of H.R. 514 is section 206 of the Patriot Act, which is referred to as the "roving John Doe wiretap provision." It gives the government the power to wiretap a phone conversation without having to show which phone will be used or even who will be using it and without requiring a court order for the specific roving tap.

The third provision is section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, referred to as the "lone wolf" provision. It gives the government the power to spy on individuals in the United States who are not U.S. citizens or permanent resident aliens even though they are not agents of a foreign government or any terrorist organization. Unfortunately, this means that if those targeted have any interaction with an American citizen, then that U.S. citizen is spied upon as well.

We already allow spying on such non-citizens outside of the United States or even in the United States where there is probable cause that they are agents of a foreign government or members of a terrorist organization, but this is an extension of that power which could envelop anybody simply as a result of the occasion of interacting with a targeted person even while we are in the United States.

The three provisions give the government power to invade our privacy even when there is no probable cause nor

even reasonable suspicion or credible evidence of any wrongdoing and without allowing the kind of detached oversight such as a court warrant which is generally called upon when such power over individuals is extended.

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

Mr. CONYERS. I yield the gentleman 30 additional seconds.

Mr. SCOTT of Virginia. Absent these oversight protections, even after the fact in the case of emergencies, all three provisions should be allowed to expire, unless we demonstrate in hearings and oversight hearings that these powers are necessary and narrowly tailored to achieve a compelling national security interest. The freedoms and protections these provisions take away are the very core of our values and liberties, so these protections should not be legislated away without rigorous oversight to protect against abuse.

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

Mr. Speaker, there has been some criticism today that section 215, business records authority, gives national security agencies too much access to confidential records, but section 215 has more strict requirements than grand jury subpoenas used in criminal investigations. Unlike a grand jury subpoena, which is not issued by a judge, a 215 order can only be used by a FISA court judge. Section 215 only grants terrorism investigators the power to get records held by third parties, such as a hotel or car rental records.

Also there has been criticism that section 215 violates Fourth Amendment protections against unreasonable searches and seizures. However, a request for business records held by a third party is not a search under the Fourth Amendment. The target of an investigation does not own the records and therefore has no reasonable expectation of privacy in them. Section 215 cannot be used to acquire records of U.S. persons based solely on First Amendment protected activity.

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

Mr. CONYERS. Mr. Speaker, no one has worked more carefully on this matter than DENNIS KUCINICH, the distinguished gentleman from Cleveland.

I yield the gentleman 2½ minutes.

Mr. KUCINICH. Thank you very much, Mr. CONYERS. I certainly appreciate that.

I will certainly never seek to impugn the feelings of those who say that we have to have the PATRIOT Act in order to protect our country. We are all patriots here, and we all want America to be protected; but we have to recognize our constitutional experience here and the reason why we have a Fourth Amendment that protects people not just from unreasonable search and seizure, but from unwarranted intrusion by the government into their lives.

When we look at our constitutional experience and all of the efforts that made it and built up to it, we didn't hear "give my liberty or give me a wiretap." We didn't hear "don't tread on me, but it is okay to spy." What we heard was a ringing declaration about freedom, and it was enshrined in the Constitution.

I stood on the floor of the House way back when the Patriot Act came forward, voted against it because I read it and understood that it opened up the door for a broad reach and possibilities of broad reach by the government into our daily lives.

The gentleman from Wisconsin, who is my friend, correctly pointed out earlier the difference between National Security Letters and the Patriot Act. But it also is true that section 505 of the Patriot Act gave the government the ability to greatly expand who could issue a national security letter, so much so that nearly 50,000 national security letters were issued by the FBI in 2006, I think the year was. They don't have to use section 215 of the Patriot Act. They can just invoke the national security letter authority and reach into people's financial records, their medical letters, their reading material.

What is happening to our country? Why are we giving up our basic liberties? We need to take a stand here, and this is as good a day as any to take a stand. Many Members of Congress, including those supported by my friends in the tea party, maintain their goal is to get rid of big government, get government out of their lives. Well, how about the Patriot Act, which has the broadest reach and the deepest reach of government into our daily lives? Shouldn't we be thinking about that?

Some want to get government out of health care. Some want to get government out of retirement security. How about getting government out of people's bedrooms, out of people's financial records, out of people's medical records?

Vote "no" on extending the Patriot Act.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, there has been a lot said about national security letters. The authority for them was made permanent in 2006. It is not a part of this bill, so we ought to completely forget about the complaints about national security letters.

What I will say is that in the 2006 reauthorization of the Patriot Act there were provisions in it to give recipients of a national security letter the right to obtain judicial review; and I am proud of that fact because I think whatever constitutional infirmities there were in this part of the Patriot Act, they were solved.

Now, we hear an awful lot about no oversight. The people on the other side of the aisle who are complaining about

this had the authority to have oversight hearings. There was only one of them in the last Congress. Compare that to the nine subcommittee hearings, three full committee hearings, and the full markup that we had in 2006 when this side of the aisle had the majority. The people who have been doing the oversight have been the Republicans, not the Democrats. The people who know this law is making Americans safer are the Republicans, and the Democrats once again are complaining.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

□ 1500

Mr. HOLT. I thank the gentleman.

Mr. Speaker, the powers of intelligence and enforcement are among the most important powers of government, but also the most fearsome. They must be wielded very, very carefully. For decades, our government routinely has collected information on potential foreign threats through various forms of surveillance. These collection activities enjoy broad bipartisan support in our country because of their value in helping to protect American citizens and interests.

However, in the 1960s and 1970s, these collection capabilities were turned on the American people and executive branch agencies engaged in spying on the American public, sometimes even for political purposes. The ensuing public backlash triggered the adoption of legal reforms that gave us laws to help prevent a repeat of these abuses.

Subsequently, the tragedy of September 11, 2001, gave proponents of extended domestic surveillance a powerful political and rhetorical weapon, which they used to reduce constitutional protections against surveillance and seizures without appropriate warrants.

When the Congress passed the Patriot Act in March of 2006, it included sunset requirements of three provisions that you've heard about today. Since 2005, I've voted against extending these and other provisions because these provisions are overly broad and frequently abused while still not improving truly the security of the American people. My concerns are supported by the revelations of abuses of those authorities during hearings of the House Judiciary Committee in 2009 and in multiple reports issued by the Inspector General of the Department of Justice.

The bill before us today does nothing to fix these problems or prevent future abuses. This bill does not raise the standards for intelligence collection to ensure that the right people are targeted in the first place. The law was not meant to sunset so that we could periodically reauthorize it, unchanged. We're now on the verge of the third "temporary" extension, with no remedies for the flaws identified by this body and the Department of Justice Inspector General.

For all of these reasons, I urge Members to vote "no."

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud now to yield 2 minutes to a senior member of the committee from Houston, Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the distinguished chairman and the ranking member of this committee.

I want to remind my colleagues of a singly important moment when those of us who were Republican and Democrat came together after 9/11, and out of this Judiciary Committee came a singular initiative that dealt with the crisis which we are facing.

I have in my hand the Constitution; and I am reminded that when the Founding Fathers came together and declared that we all were created equal, they, too, were concerned about treason, spying, the undermining of government, and maybe even the threat of violence. As we well know how this country came into being, we had to fight a war; yet they had in this Constitution the rights of the Fourth Amendment that we would be protected against unreasonable search and seizure; a Fifth Amendment of due process; and they believed that Americans should be protected.

This bill, however, comes to the floor again without amendments. And I'm very proud to say that over the series of my tenure on the Judiciary Committee I have submitted very vital and important amendments to protect the civil liberties of Americans, as well as to recognize the responsibility of all of us to secure this Nation.

I'm a member of the Homeland Security Committee. I am not unmindful of the everyday threats that we receive, but this bill would extend provisions that were created in 2005, that also were included in the intelligence reform bill. It extends a provision that allows for a roving electronic surveillance authority and a provision revising the definition of an "agent of foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the "lone wolf," without protections. As a member of Homeland Security, I recognize that that is vital, but there needs to be a variety of protections. The other provisions, of course, are ones that invade privacy and create a lack of recognition that we have a Constitution to abide by.

So I would ask my colleagues as we move on this legislation to remember it has not been amended; remember we have lived under a Constitution that protects civil liberties; and also remember it took a lawsuit to allow someone to say they had gotten a national security letter.

We must do things in a constitutional manner, Mr. Speaker; and I would argue we're not doing it in this legislative initiative. I ask my colleagues to vote "no" on this legislation; go back to the Judiciary Committee and abide by the Constitution.

Mr. Speaker, I rise today to express my opposition to the H.R. 514, "To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents."

This bill would extend provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, and the Intelligence Reform and Terrorism Prevention Act of 2004 through December 8, 2011. It extends a provision that allows a roving electronic surveillance authority, and a provision revising the definition of an "agent of a foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the "lone wolf provision." It also grants government access to business records relating to a terrorist investigation.

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. However, as an American citizen, I am deeply concerned when our Constitutional rights run the risk of being infringed upon in the name of national security.

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

We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient. While the PATRIOT Act is intended to improve our ability to protect our nation, it needs to be revised and amended to reflect the democratic principles that make this country the crown jewel of democracy. The bill before us today, however, does not do that. In fact, even the manner by which are even considering this bill, only days after introduction without any oversight hearings of mark-ups, circumvents the process we have in place to allow for improvements and amendments to be made.

Furthermore, this bill was considered last year in the 111th Congress, and went through oversight hearings and two days of mark-up in the Judiciary Committee. Yet, none of those voted-on, bipartisan amendments that resulted from those hearings are included in this bill. In those hearings, multiple concerns were raised about the breadth of the PATRIOT Act and the leeway it gives to infringe upon an individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow for greater transparency in the PATRIOT Act and enhanced protection against violation of individuals' civil liberties. None of my amendments, or those introduced by any of my colleagues, are included in this legislation. None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I am deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people, without so much as a hearing.

We have been faced with this type of legislation before. On August 3, 2007, I stood before you on the House floor discussing the Foreign Intelligence Surveillance Act, FISA, another piece of law essential to combating the war on terror, but one that was in need of improvements to protect Americans' constitutionally enshrined civil liberties. On that day, I said that, "we must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans," and I stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns around secret surveillance and secret searches, which were kept permanently secret from the Americans whose homes and conversations were targeted. There were also concerns such secret searches intended for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority, and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our Constitution. I stand here today urging my colleagues to consider allowing similar amendments to the PATRIOT Act that better protect Americans' right to privacy before moving this legislation out of the House of Representatives and onto the other legislative body.

The three expiring provisions of the PATRIOT Act that H.R. 514 would extend overstep the bounds of the government investigative power set forth in the Constitution. One provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause" before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity. If we do not take steps to improve this provision, then it should be allowed to expire.

Another provision, known commonly as the "roving John Doe wiretap," allows the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Like the first provision, this, too, was addressed in the Judiciary Committee during the last Congress, and is also contrary to traditional notions of search and seizure, which require government to state "with particularity" what it seeks to search or seize. If this provision were given the opportunity to be amended and improved, it should be done so to mirror similar and longstanding criminal laws that permit roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the "lone wolf" provision, which permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's in-

vestigatory powers within the borders of the United States. Moreover, according to government testimony, this provision has never been used. Because of the potential for abuse created by this provision, and the lack of need for its existence, it, too, should be allowed to expire.

All three of these provisions have been examined and amended in the past because they were in dire need of improvements to protect the rights of Americans. I was against these provisions, as written, in the past, and without amendments, I am still against them today.

Finally, H.R. 514 fails to amend other portions of the PATRIOT act in dire need of reform, specifically, those issues relating to the issuance and use of national security letters, NSLs. NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation even if that person is not suspected of unlawful behavior. I repeat, even if that person is not suspected of unlawful behavior.

As an American citizen, the security and safety of my constituency is pinnacle, but I will never stand for legislation that infringes on the basic rights afforded in our Constitution. When our founding fathers drafted the Constitution, after living under an oppressive regime in Britain, they ensured that the American people would never experience such subjugation. Where are the protective measures for our citizens in the PATRIOT act? Why are the measures addressed in the last Congress not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct robust, public oversight of all surveillance tools and craft reforms that will better protect private communications from overbroad government surveillance.

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

Because of the negative privacy implications of extending all of these provisions, I ask my colleagues to please join me in opposing H.R. 514, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.

[From the American Civil Liberties Union, Aug. 10, 2010]

NATIONAL SECURITY LETTER RECIPIENT CAN SPEAK OUT FOR FIRST TIME SINCE FBI DEMANDED CUSTOMER RECORDS FROM HIM

NEW YORK.—The FBI has partially lifted a gag it imposed on American Civil Liberties Union client Nicholas Merrill in 2004 that prevented him from disclosing to anyone that he received a national security letter (NSL) demanding private customer records. Merrill, who received the NSL as the president of an Internet service provider (ISP), can now reveal his identity and speak about his experience for the first time since receiving the NSL. The ACLU and New York Civil Liberties Union filed a lawsuit challenging the NSL statute and the gag order on behalf of Merrill (then called John Doe) in April

2004, which resulted in numerous court rulings finding the NSL statute unconstitutional. Merrill was the first person ever to challenge an NSL in court.

"After six long years of not being able to tell anyone at all what happened to me—not even my family—I'm grateful to finally be able to talk about my experience of being served with a national security letter," said Merrill. "Internet users do not give up their privacy rights when they log on, and the FBI should not have the power to secretly demand that ISPs turn over constitutionally protected information about their users without a court order. I hope my successful challenge to the FBI's NSL gag power will empower others who may have received NSLs to speak out."

NSLs are secret record demands the FBI issues to obtain access to personal customer records from ISPs, libraries, financial institutions and credit reporting agencies without court approval or even suspicion of wrongdoing. Because the FBI can gag NSL recipients to prohibit them from disclosing anything about the record demands they receive, the FBI's use and potential abuse of the NSL power has been shrouded in excessive secrecy.

While the NSL served on Merrill stated that he was prohibited from telling anyone about it, he decided to challenge the demand in court because he believed that the FBI was ordering him to turn over constitutionally protected information about one of his clients. Because of the FBI-imposed gag, Merrill was prohibited from talking about the NSL or revealing his identity and role in the lawsuit until today, even though the FBI abandoned its demand for records from Merrill more than three years ago.

In December 2008, the Second Circuit Court of Appeals, ruling in Merrill's case, found that some of the NSL statute's gag provisions were unconstitutional because they wrongly placed the burden on NSL recipients to challenge gag orders, narrowly limited judicial review of gag orders and required courts to defer entirely to the executive branch. The appeals court sent the case back to the U.S. District Court for the Southern District of New York and ordered the government to justify the constitutionality of the gag on Merrill. On July 30, the parties reached a settlement in the case. As part of that settlement, the FBI agreed that Merrill could now identify himself as the John Doe NSL recipient.

"We are thrilled that Nick will finally be able to speak out about why he took the courageous step of challenging the FBI's NSL power. Thanks to Nick's actions, courts have now recognized the need for judicial oversight of the government's dangerous NSL gag power," said Melissa Goodman, staff attorney with the ACLU National Security Project. "But even though this case has resulted in significant improvements to NSL procedures, innocent Americans' private records remain too vulnerable to secret and warrantless data collection by the FBI. At a minimum, the FBI should have to show individual suspicion before it issues an NSL for an individual's personal information and invades Americans' right to privacy and free speech on the Internet."

While misuse and abuse of the NSL power has been widely documented, the Obama administration is now seeking to expand the statute to allow the FBI to demand even more records without court approval. In July, the Obama administration proposed to expand the statute to allow the FBI to get Americans' Internet activity records without court approval or even suspicion of wrongdoing.

In 2009, Congressmen Jerrold Nadler (D-NY) and Jeff Flake (R-AZ) reintroduced the

National Security Letters Reform Act, aimed at reigning in abuse of the power. The ACLU has called on Congress to reform the remaining constitutional defects of the NSL gag power and reject Obama proposals to expand the NSL statute.

In addition to Goodman, attorneys on the case are Jameel Jaffer of the national ACLU and Arthur Eisenberg of the NYCLU.

Mr. CONYERS. I yield the balance of my time to the distinguished gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 2½ minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to H.R. 514, which would reauthorize expiring provisions of the Patriot Act without important modifications necessary to safeguard our civil liberties. While the threat of terrorism is real, and law enforcement must have the right tools to protect Americans, any counterterrorism measure must have a solid constitutional footing and respect the privacy and civil liberties of the American people.

This legislation fails to address shortcomings in the original Patriot Act legislation, and for that reason I will vote against it. One of the major problems with this bill is its failure to address the issuance and use of national security letters. These letters permit the government to obtain the communications of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. If Congress reauthorizes these provisions with no changes, Americans will remain subject to warrantless intrusions into their personal affairs—a gross overreach of Federal investigative authority that could be abused. It's just not how we do things in this country.

Rather than taking the time to craft reforms that will better protect private citizens' communications and privacy from overbroad government surveillance, the Republican majority simply wants to cram this bill through without providing any opportunity for anyone to offer amendments that improve the bill. We all acknowledge that law enforcement needs new tools to keep up with 21st century threats; but surely it is the responsibility of Congress to reexamine legislation that was hurriedly passed through Congress in the wake of 9/11 to make sure it lives up to our national ideals.

Because this bill fails to contain any checks and balances to prevent law enforcement abuse and protect civil liberties, I will be voting against it, and I urge my colleagues to do the same.

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes remaining.

Mr. SMITH of Texas. I yield myself the balance of my time.

Mr. Speaker, extending the expiring provisions of the Patriot Act will ensure that America's law enforcement officials and intelligence agents are equipped to identify terrorist threats

and prevent terrorist acts. The Patriot Act is an effective tool in the war on terror. As terrorists show no signs of ending their plots, neither should our laws that stop them be allowed to sunset. This temporary extension will facilitate further review and reauthorization of these provisions.

Mr. Speaker, this extension is supported by the Obama administration. I urge my colleagues to support this extension as well.

Mr. STARK. Mr. Speaker, I rise today to once again oppose the reauthorization of expiring provisions in the Patriot Act.

Last month, Republican leaders gave Members of Congress the chance to read the Constitution on the floor of the House. Perhaps we skipped over the Bill of Rights, because the provisions we're extending today are a direct infringement on Americans' constitutional rights.

This legislation grants the federal government sweeping authority to pry into the private lives of Americans. Federal authorities have the power to access private records like library records or credit card statements, even if it's not related to a terrorism investigation. Authorities can receive wiretapping permits without specifying who or what they're going to wiretap. Secret intelligence courts can authorize law enforcement to spy on foreigners who are not connected to terrorist groups.

Many of my colleagues were elected based on their rhetoric opposing more power to the federal government. Today's vote gives them a chance to put their money where their mouths are, and say no to giving government the power to violate Americans' civil liberties. I urge my colleagues to oppose this bill.

Mr. McDERMOTT. Mr. Speaker, I voted against the PATRIOT Act in 2001, voted against its extension in 2005, and will again vote against it again today. The PATRIOT Act was sold as a measure to ensure the safety of the American people. Instead, the PATRIOT Act has served primarily to subvert fundamental rights afforded to American citizens.

A plain extension of the PATRIOT Act, without revisiting its many problems and abuses, is a huge mistake and missed opportunity to truly protect our country against terrorism and do so in the confines of the Constitution.

Freedom does not have to be compromised to defend liberty. Continuing to weaken fundamental American principles will not leave us more secure, but instead more vulnerable. Through mutual trust and fearlessness, we can progress together.

It is time to stop extending the PATRIOT Act and restore full American freedoms and liberty to our citizens.

Mr. SMITH of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 514.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1510

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER, Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b) note), I am pleased to re-appoint the Honorable Betty McCollum of Minnesota to the National Council on the Arts.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI, House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

NANCY PELOSI, DEMOCRATIC LEADER,

February 8, 2011.

Hon. JOHN BOEHNER, Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C) 1161, I am pleased to re-appoint Mr. James P. McGovern of Worcester, Massachusetts to the Board of Trustees of the Congressional Hunger Fellows Program.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI, House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

NANCY PELOSI, DEMOCRATIC LEADER,

February 8, 2011.

Hon. JOHN BOEHNER, Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4(b) of House Resolution 5, 111th Congress, I am pleased to appoint the following members to the House Democracy Partnership:

The Honorable David E. Price of North Carolina

The Honorable Lois Capps of California
The Honorable Rush D. Holt of New Jersey
The Honorable Allyson Y. Schwartz of Pennsylvania

The Honorable Donald M. Payne of New Jersey

The Honorable Sam Farr of California
The Honorable Keith Ellison of Minnesota

The Honorable Mazie Hirono of Hawaii
The Honorable Lucille Roybal-Allard of California

Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI, House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER, Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4 of the Ronald Reagan Centennial Commission Act (Public Law 111-25), I am pleased to appoint the Honorable Silvestre Reyes of Texas to the commission.

Thank you for your consideration of this appointment.

Sincerely,

NANCY PELOSI, House Democratic Leader.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 12 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 6 o'clock and 30 minutes p.m.

EXTENDING COUNTERTERRORISM AUTHORITIES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 277, nays 148, not voting 9, as follows:

[Roll No. 26]

YEAS—277

Ackerman	Gohmert	Noem
Adams	Goodlatte	Nugent
Aderholt	Gosar	Nunes
Akin	Gowdy	Nunnelee
Alexander	Granger	Olson
Altmire	Graves (MO)	Palazzo
Austria	Griffin (AR)	Pascrell
Baca	Griffith (VA)	Paulsen
Bachmann	Grimm	Pearce
Bachus	Guinta	Pence
Barletta	Guthrie	Perlmutter
Barrow	Hall	Peters
Barton (TX)	Harman	Peterson
Bass (NH)	Harper	Petri
Benishek	Harris	Pitts
Berg	Hartzler	Platts
Berkley	Hastings (FL)	Poe (TX)
Biggert	Hastings (WA)	Pompeo
Bilbray	Hayworth	Price (GA)
Bilirakis	Heck	Quayle
Bishop (GA)	Heinrich	Quigley
Bishop (NY)	Hensarling	Rahall
Black	Herger	Reed
Blackburn	Herrera Beutler	Reichert
Bonner	Higgins	Renacci
Bono Mack	Hinojosa	Reyes
Boren	Holden	Ribble
Boswell	Hoyer	Rigell
Boustany	Huelskamp	Rivera
Brady (TX)	Huizenga (MI)	Roby
Brooks	Hunter	Rogers (AL)
Buchanan	Hurt	Rogers (KY)
Bucshon	Inslee	Rogers (MI)
Buerkle	Israel	Rokita
Burgess	Issa	Rooney
Burton (IN)	Jenkins	Ros-Lehtinen
Calvert	Johnson (OH)	Roskam
Camp	Johnson, Sam	Ross (AR)
Canseco	Jordan	Ross (FL)
Cantor	Keating	Rothman (NJ)
Capito	Kelly	Royce
Cardoza	Kind	Runyan
Carnahan	King (IA)	Ruppersberger
Carney	King (NY)	Ryan (WI)
Carter	Kinzinger (IL)	Scalise
Cassidy	Kissell	Schiff
Castor (FL)	Kline	Schmidt
Chabot	Lance	Schock
Chaffetz	Landry	Schwartz
Chandler	Langevin	Scott (SC)
Coble	Lankford	Scott, Austin
Coffman (CO)	Larsen (WA)	Scott, David
Cole	Latham	Sensenbrenner
Conaway	LaTourette	Sessions
Connolly (VA)	Latta	Sewell
Cooper	Lee (NY)	Shimkus
Costa	Levin	Shuler
Courtney	Lewis (CA)	Shuster
Cravaack	Lipinski	Simpson
Crenshaw	LoBiondo	Sires
Critz	Long	Smith (NE)
Cuellar	Lowe	Smith (NJ)
Culberson	Lucas	Smith (TX)
Davis (CA)	Luetkemeyer	Smith (WA)
Davis (KY)	Lummis	Southerland
Denham	Lungren, Daniel	Stearns
Dent	E.	Stivers
DesJarlais	Lynch	Stutzman
Diaz-Balart	Manzullo	Sullivan
Dicks	Marino	Terry
Dold	Matheson	Thompson (PA)
Donnelly (IN)	McCarthy (CA)	Thornberry
Dreier	McCarthy (NY)	Tiberi
Duffy	McCaul	Tipton
Duncan (SC)	McCotter	Tsongas
Ellmers	McHenry	Turner
Emerson	McIntyre	Upton
Farenthold	McKeon	Van Hollen
Fincher	McKinley	Walberg
Flake	McMorris	Walden
Fleischmann	Rodgers	Walsh (IL)
Fleming	McNerney	Webster
Flores	Meehan	West
Forbes	Mica	Westmoreland
Fortenberry	Miller (FL)	Whitfield
Fox	Miller (MI)	Wilson (SC)
Franks (AZ)	Miller (NC)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallely	Mulvaney	Womack
Gardner	Murphy (CT)	Yarmuth
Gerlach	Murphy (PA)	Yoder
Gibbs	Myrick	Young (FL)
Gingrey (GA)	Neugebauer	Young (IN)