

To not allow the amendments—I have had many and many of my colleagues here who had amendments to debate and talk about these very serious issues. There is a reason that they couldn't wrap up the fact that there was a shooting at Fort Hood and the Christmas Day bomber. There's a reason that happened. Because when you bring in law enforcement, it slows things down.

□ 1130

They stop providing information until their lawyer can cut their best deal possible. This can't be about lawyers in the back room cutting good deals for foreign-trained terrorists trying to kill Americans. It has to be about the protection of every citizen in the United States and our allies abroad. When we lose that focus, we will lose the ability to stop everyone that comes to these shores.

And if our new program is we are going to catch them at the airport by spending lots more money, we are going to lose this fight. We need to get them in Yemen, in Saudi Arabia, in the tribal areas of Pakistan, and wherever else they train, they finance, and they commit themselves to an act of combat to kill U.S. citizens.

Mr. HASTINGS of Florida. I reserve the balance of my time.

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

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

Mr. DREIER. Mr. Speaker, we all know where the eyes of the American people are focused right now, and it is not here on the House of Representatives. They are focused down across the street from the White House at the Blair House, where the health care summit is taking place. I have no idea how it is going. We have been managing this debate on an issue that is of paramount importance.

The five most important words in the middle of the preamble to the U.S. Constitution I regularly say are "provide for the common defense." We need to recognize that this is priority number one, our Nation's intelligence. Umar Farouk Abdulmutallab, Najibullah Zazi, David Headley, these are names that have come to the forefront because these individuals pose a threat to the United States of America.

There is no issue that is more important for us to be focusing on. Mr. LUNGREN said earlier rather than having a 6-hour summit on the issue of health care, which we all acknowledge is important and needs to be addressed, the attention should be focused on national security. And unfortunately, it is not only not being focused on, but what we are doing here today is taking a flawed bill from July of last year, 8 months old, that was maligned and criticized by the statement of administration policy from President Obama, and what is it we have done? We have denied amendment after amendment.

Mr. SCHOCK's very thoughtful amendment to deal with the issue of should we give enhanced rights to these people who have perpetrated terrible acts against us? Bring them onto U.S. soil, which would make that happen? We think we should have a chance to debate that issue. Should we take the 21 amendments that our Democratic colleagues have offered, including my friend, Mr. McDERMOTT, who has an amendment that dramatically enhances the power of those individuals who have either tried or have perpetrated terrible acts against us and provides them new defense?

Again I mentioned SCOTT BROWN earlier. And what resonated from his acceptance speech when he won the election was that we shouldn't be expending our taxpayer dollars on defending these terrorists. We should be expending our taxpayer dollars to fight to make sure they never, ever pose a threat against us. This is a terrible rule. It is a terrible rule because it denies the opportunity for debate. And the bill itself needs to be reworked by the Select Committee on Intelligence.

Mr. Speaker, we can do better. I urge my colleagues to reject it. Let's do the right thing.

Mr. HASTINGS of Florida. Mr. Speaker, this is a responsible bill that will enhance vital human intelligence collection, fill the critical gaps in our intelligence-gathering activities, authorize significant investment in our Nation's cybersecurity capabilities, as well as provide much needed reform by forbidding the CIA's practice of outsourcing interrogation to private contractors operating outside the law.

It is unfortunate that we live in a dangerous and different world, where we must always be vigilant of those who wish to cause harm to others. This bill is critical to addressing the many challenges we face within the intelligence community.

I want to take this moment of personal privilege to thank Chairman REYES and the staff of the House Select Committee on Intelligence, the Republican and Democratic staff, for their extraordinary hard work and dedication in helping to see this excellent bill to fruition.

Four years is far too long for the intelligence community to go without guidance from its oversight committees. I believe we should get an authorization bill passed and on the President's desk for signature into law. There is going to be added general debate. But when I listened to my colleague, who is my good friend, I kind of feel like that all of the labor on both sides, including speakers that I served with on that committee, Mr. THORNBERRY and Mr. ROGERS, we have worked very actively to get us to the position that we are in with reference to this authorization bill. There have been agreements and there have been disagreements. And there are always things that can be added.

The responsibility of the Rules Committee is to move the agenda. I am

very proud of the fact that there is a summit on health care going on at the White House at the same time that we are discussing the authorization bill, and that I am getting ready to leave here and go to a jobs task force, which I believe is high on the minds of the American agenda, which proves that we really can do legislation, prepare legislation, chew gum and walk at the same time. We are an incredible lot of people we are, and just like that we can also secure this Nation, as this bill does in high kind.

But I am going to say to you all one more time, enough of the business about not in my backyard. If I didn't dispel it today, I will see you another time on the floor to have you understand just how extraordinary the Federal judiciary is, just how extraordinary the intelligence community is, and just how important it is to our Nation's security that we allow them to function accordingly.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. DREIER. 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, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1109 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1109

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstate and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question was taken; and (two-thirds being in the affirmative) the House agreed to consider the resolution.

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

Mr. PERLMUTTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1109.

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

There was no objection.

Mr. PERLMUTTER. Mr. Speaker, House Resolution 1109 provides for consideration of the Senate amendments to H.R. 3961, extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act.

The rule makes in order a single motion by the chair of the Committee on the Judiciary to concur in the Senate amendments. The rule waives all points of order against consideration of the motion except clause 10 of rule XXI, and provides that the Senate amendments shall be considered as read.

Finally, the rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The Senate amendments to H.R. 3961 extend for 1 year several expiring provisions essential to our fight against terrorism. One of these provisions allows authorities to seek court orders for business records or any intangible thing related to a terrorism investigation. Another expiring provision reauthorizes wiretaps on terrorism suspects so that law enforcement officials do not have to file multiple applications when a terrorist disposes of phone after phone or shifts from one communication device to another. Otherwise, terrorists could use multiple devices or frequently change cell phone numbers or carriers, with the aim of interfering with surveillance efforts under FISA.

The Justice Department has said that this provision has proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders. The government cannot use this authority lightly. It must provide specific information that the suspect may employ countersurveillance activities.

Finally, the Senate amendments we are considering today will extend for 1 year a provision first enacted in 2004 that allows the government to apply to the Foreign Intelligence Surveillance court, the FISA court, for surveillance orders involving suspected lone wolf

targets. These are suspects who are engaging in or preparing for international terrorism activities, but don't necessarily have ties to a larger organization, such as a terrorist group or a foreign nation. The provision does not apply to any U.S. citizen or illegal immigrant. These three programs are vital tools our Nation cannot let expire.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Colorado for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill that is with us today. The safety of this Nation, protecting America from terrorists, is of high and vital concern not only to this Member, but I think every single Member, as we have been reminded time after time that we cannot take our eye off the ball, that the security of this country is a job that must be done all day, every day, by a group of savvy professionals that I believe we presently have in this country. It is a combined effort of not only law enforcement and intelligence, but also it involves bright minds from this body also.

Today what we are here to do is to consider reauthorization of the USA PATRIOT Act. This act was done 9 years ago, 9 years ago when our Nation was struck. It was crafted in such a way that there were provisions, ideas, thoughts that we did at the time where we said we need to make sure they are reauthorized, that these ideas are looked at, where we go through the processes and see what happens not only with our own effectiveness with the law, but also how our intelligence agencies are nimble enough to adapt themselves to make these changes.

At the same time I say I am for this, it is unfortunate that my friends on the Rules Committee, my Democratic colleagues, continue to deny the minority due process by not allowing us to offer a motion to recommit. Time and time again Republicans are shut out of the amendment process, forcing us to simply accept what comes forward.

□ 1145

I encourage my friends on the other side of the aisle to stop restricting this process in the House.

Almost 9 years ago, as I stated, Congress passed this PATRIOT Act, bipartisan support, at a time that was very difficult not only for us to see that enemy that was at us, but also for us to understand more clearly how we should respond, and this Nation did respond. We responded with a PATRIOT Act that was specific in nature that allowed intelligence agencies to stand a chance to fight those against us.

This legislation was and still is vital to our intelligence capacity and our desire to show the enemy that we're willing to fight, that we're willing to stand up and protect this country, that we're

willing to go to the lengths that are expected of anybody who wants to protect their own homeland.

Earlier this week, Ranking Member LAMAR SMITH of the Judiciary Committee, the gentleman from San Antonio, Texas, urged Democrat leaders, as we did not know whether this bill would come forward, to extend those expiring provisions, stating: "Congress has a duty to protect the American people. Failing to reauthorize our national security laws in a time of heightened threat is reckless."

These were the types of public comments that Republicans are making about the need to make sure that we press this body to get done its job with those processes.

Yesterday, up in the Rules Committee, the gentleman, MAC THORNBERRY, also from Clarendon, Texas, testified in the Rules Committee about the importance of extending the expiring PATRIOT Act provisions at the time we were debating the Intelligence bill. I thought that Mr. THORNBERRY was well on point, was thoughtful, was articulate about the significance of providing the necessary debate on important issues and amendments.

I think we just had a debate here on the floor where we went through how these issues need to be talked about in this body and every single Member needs to understand them as a result of their constitutional duty to protect and defend, not just our Constitution, but this country. And I wholeheartedly agree with his assessment when he said we need to provide the intelligence community with the appropriate tools to protect this Nation.

Yesterday, the Senate passed this legislation by voice vote; confirming the importance of acting immediately. Look, I'm just for getting it done. I'm just for getting it done. If the Senate wants to do it by voice vote, that's fine.

Today we are here on the floor to talk about the three provisions that were set to expire. They were set to expire because the previous Congresses have said we needed to have an active debate on these issues, like to talk about them, allowing the government to seek court orders for roving wiretaps on terrorism suspects who shift their modes of communication.

Mr. Speaker, if there's one thing we learned, the enemy is smart and nimble and quick. They adapt themselves to the way we do business. We need to give our intelligence agencies the ability to be nimble, quick and to adapt themselves also. Glad this is being redone just in time.

To allow investigators to obtain a Foreign Intelligence Surveillance Act court order to procure certain records in national security investigations, you've heard this said for a long time. The people who are trying to protect this country are few in number, and the cases against them are very large. The number of people who are seeking to turn our country into another war

zone where civilians are killed, where planes are blown up out of the sky, where we have inundation of our national security efforts, as well as cybersecurity, are numerous. We need to make sure our investigators have a clear understanding about the rules and are able to receive information in a legal process.

Lastly, to allow the government to apply special court surveillance orders involving suspected terrorists that are called "lone wolf" terrorists who do not necessarily have ties to larger organizations.

I think the gentleman, Mr. ROGERS, made a point here from the Intelligence Committee that our ability to be able to see this for what it is, whether it's a part of a larger terrorist group or whether it's a lone wolf acting on his own, that we need to be able to make sure that we can fully vet these individuals before shutting them down and allowing them just to be treated as a person who's committed a crime. We need to be able to see that which is aimed at this country and to fully vet them.

When people who are overseas terrorists come into this country by lying to us about why they would be coming and their intents, we need to be smart enough and nimble enough to pick these up.

Each of these provisions are used by law enforcement officials and intelligence agents to prevent terrorist attacks. By reauthorizing these provisions today, which my party, the Republican Party, fully supports, we believe, for an additional year, will provide the appropriate defense and intelligence measures to protect Americans from another event like 9/11.

If I offered some comments, Republicans would have been in favor of making these permanent in law. Of course, we need to make sure that we're reevaluating these, but these should be made permanent law so that our law enforcement agencies set themselves in a position to be nimble enough to see the attack against us.

I think 9 years' worth of effort has told us we need to give our law enforcement every single tool that we believe is reasonable. I think we've done it today. I wish we'd done it for more than a year, because here we are, we will be here a year from now, perhaps struggling with the same issue.

Let's make these permanent additions to the Homeland Security PATRIOT Act. This country is under a constant threat of violence and terrorism, and that's why it's necessary to make sure that all of our intelligence and law enforcement have the appropriate tools to defeat those who would wish to do us harm.

We don't need to look back very far to Christmas Day; but I would say to us that after that, we still had warnings that came from our intelligence community that said, and expect more, and expect more; which is the reason why we should be making these issues

that we talked about today, not extending them for one more year, but to make them permanent to give our guys, our team, our men and women who are engaged in the professional aspect of protecting this country, the tools which they need to protect this country.

Mr. Speaker, at this time I will reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I am in agreement with my friend from Texas that this rule ought to be passed and we ought to move forward right now. So I don't have any other speakers. I'm going to reserve the balance of my time.

I'd ask my friend from Texas how many people he expects to have speaking on his side.

Mr. SESSIONS. I would appreciate that. And in a colloquy, if the gentleman would allow me the time since he has indicated he has no further speakers, I will go ahead and consume my time with the knowledge that he would then be ending very quickly. And I thank the gentleman very, very much.

Mr. Speaker, I am going to go ahead and proceed using up all my time at this time with the knowledge that he will be through.

Mr. Speaker, at this time we have the gentleman from Gold River, California, a gentleman, Mr. LUNGREN, who has served as not only a Member of this body, then went back to California, served as the Attorney General from the State of California. He's a very thoughtful Member. He sees very clearly the laws of this country and the Constitution of this country, but he also sees the need for us to be nimble enough to see the attack that's against us, to be able to respond and to give our men and women who are on the front line all the assets and resources only that are necessary, but the laws and the underpinning of being able to make sure that we can fully protect this country.

And I will yield to the gentleman 6 minutes at this time.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the generous provision of time.

Mr. Speaker, when we were reauthorizing the PATRIOT Act in 2005, or extending it, I authored in committee the sunset provisions that subjected these three provisions of the PATRIOT Act to further consideration by the House. That sunset was up last year. And so, rather than seriously consider it and thoughtfully proceed as to whether it ought to be permanent or not, we kicked the can down the road by extending it a year. And then we came just before Christmas up against it, once again, and we extended it for 2 months. And now, here we are, 3 days before the expiration of these provisions, and we are going to have a temporary extension, a year, not 2 months, but just a year.

I would hope that we would consider an issue such as this as an important

primary issue. It's almost as an afterthought. Just before we leave for Christmas, we extend it for 2 months. Now, we're within 3 days of it expiring, we extend it for a year. Forgive me, but it almost sounds like we're treating it like a burp after a big meal, something we're kind of embarrassed about, something that happened, sort of involuntarily, as if we don't have control of this.

I've said on this floor before that we're certainly making sure that no post office in America goes unnamed or un-renamed. But at the same time, we deal with this issue, which is crucially important.

Our Judiciary Committee considered the reauthorization of these provisions; and we reauthorized, by our bill, the business records section. We reauthorized the roving wiretap provision, although we made some changes in that from current law, which I did not support, but nonetheless, that was it. But we failed to extend the lone wolf provision. And let me tell you the thinking on that.

The argument was, we didn't need the lone wolf provision because it had never been used. What's the lone wolf provision? It allows us to apply the intelligence-gathering authorities that we have in the overall law to individuals that we cannot, at that point in time, determine are actually involved with a foreign country, that is, associated with a foreign country, or with a known terrorist organization. And so they said it had never come up before. So we failed to vote it out of Judiciary Committee. That was in the morning, about 12:30, just after noon.

What happened later that day? The massacre at Fort Hood. A lone wolf. Now, admittedly not someone who would be under the PATRIOT Act because he's an American citizen, but my point is, we have to be concerned about lone wolves.

And what about Mr. Abdulmutallab?

If we had had information and been able to connect some of the dots early on, we would have not been able to prove initially that he was necessarily associated with any other group, maybe inspired by another group. He would actually come under the definition of a lone wolf.

And yet the Judiciary Committee said, well, we're going to deprive our intelligence community of the powers under the law for those who are lone wolves.

That's why I say this needs full and vigorous debate. We need to consider the essence of these provisions, and we need to determine whether we believe it needs more than an extension of a single year. Does anybody on this floor truly believe that al Qaeda will give up in a year? Does anybody believe that those who are out there with the idea that they want to do harm to the United States, utilizing terror inspired by al Qaeda or others, are going to quit after this year? I would hope they would. I would hope we would defeat

