

REPUBLICANS' RECKLESS
SPENDING BILL

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in strong opposition to the misguided spending bill on the floor. Instead of creating jobs, this troubling bill slashes higher education funding.

How can we expect our students to compete globally when we don't invest in the resources to allow them to succeed?

Under this bill over 1 million college students in California alone will have their Pell Grant cut by \$675. These students probably won't be able to take classes next semester or buy textbooks. It doesn't make sense.

America's businesses need a well-trained, highly skilled workforce. If we want our country to out-innovate, out-educate, and out-build the rest of the world we need to start with adequate funding for higher education.

This bill is a direct attack on our future workforce and economic stability. I urge my colleagues to oppose it. Our students deserve better, our country deserves better.

Vote "no" on the reckless Republican omnibus spending bill.

PLAYING POLITICS WITH OUR
FUTURE

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

Mr. RICHMOND. Mr. Speaker, President Obama challenged us to out-innovate, out-educate and out-build the rest of the world in order to compete globally. We can and must educate our way to a more prosperous future.

Through the continuing resolution, congressional Republicans are handicapping our kids by recklessly slashing education funding. Instead of equipping our kids to out-innovate, out-educate and out-build, this resolution prepares kids to under-perform, under-whelm and under-achieve.

Across America, over 127,000 preschoolers will be kicked out of Head Start. Instead of setting up kids for success, this continuing resolution dooms them for failure.

Over 131,000 students will see their after-school programs reduced or eliminated, even though after-school programs improve academic success.

Over 1.4 million college students will see their Pell Grants cut, even though education is the best way to escape poverty.

This resolution plays politics with our children's futures, and our children will lose.

Mr. Speaker, I will say that this continuing resolution is a train wreck for Louisiana and a train wreck for this country.

PROVIDING FOR CONSIDERATION
OF SENATE AMENDMENT TO H.R.
514, EXTENDING COUNTERTER-
RORISM AUTHORITIES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 93 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table 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, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

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

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend and thoughtful Rules Committee colleague, the gentleman from Boulder, Mr. POLIS, pending which I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, as we all know, by a vote of 274-144, the House passed a temporary 10-month extension to the Patriot Act, the three provisions that are scheduled to expire within one legislative day from now. One legislative day from now. We all know that we're going to be going into a district work period beginning tomorrow afternoon, so we have one legislative day left to deal with this issue.

And yesterday, by a vote of 86-12, our colleagues in the Senate chose to take the 10-month extension that we had and turn that into a 90-day extension.

Now, I think there's bipartisan consensus that we need to have Mr. SENSENBRENNER, Mr. LUNGREN, other members of the Judiciary Committee, the House Permanent Select Committee on Intelligence, and others involved in this take a very close look at the need to deal with both the national security implications as well as the civil liberties implications of the extension of the Patriot Act.

I just had a meeting with Mr. SENSENBRENNER in which we were talking about the fact that when we first put the Patriot Act into effect, he and I

were together in saying there needed to be sunset provisions because we didn't want to legislate through the prism of September 11 without ensuring that this House and the other body would expend the time and energy and effort looking at all of the ramifications of the Patriot Act, because it was unprecedented. But I believe that as we look at where we are today, the Patriot Act has been a very, very important tool in ensuring that we have not seen what so many people expected would happen after September 11, and that is repeated attacks on our country. We have had attempts, we all know that. But we all thank God that we have been able to successfully prevent those attempts to attack us from coming to fruition. And I believe, Mr. Speaker, that the existence of the Patriot Act has played a role in that.

Having said that, I am a self-described small L libertarian Republican. I believe in recognizing the civil liberties of every American, and I think that that's a priority that does need to be addressed. And I also recognize that sacrifices have to be made when you're dealing with the kinds of threats that we face. And so striking that balance is not an easy thing to do, and Messrs. SENSENBRENNER and LUNGREN and others, Mr. SMITH, the chairman of the Judiciary Committee, I believe, are going to, in the next 90 days, do a lot of work in ensuring that the concerns that have been put before us are addressed.

And so, Mr. Speaker, in ensuring that we don't see the expiration of these very important three provisions of the Patriot Act, I'm going to urge my colleagues to support this rule that will allow us to simply accept the language that the Senate has passed with a 90-day extension, and move ahead just as expeditiously as possible so that our colleagues will be able to get to work in addressing the concerns that are out there.

I reserve the balance of my time.

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

Mr. Speaker, this bill, it's important to talk about what this bill would do and how the Patriot Act really cuts to the heart of what it means to be American, that sensitive balance that we have between protecting what makes it special to be an American, our rights as individuals, our civil liberties, balancing that with the need for national security.

□ 1220

I am opposed to the rule and the bill. We need to have law enforcement make sure that it has the provisions it needs to combat the very real threat of terrorism. However, the Patriot Act strikes that balance in the wrong way. But rather than actually debating the merits of the provisions and coming up with solutions that I think we can agree on with both sides of the aisle, as we have done in the past, the Republican leadership is forcing this through without the proper debate or transparency. In spite of their plethora of

promises to change the culture of Congress, here we are without a single hearing on this topic, without a classified briefing for Members so we know what has and hasn't been done under the Patriot Act.

Specifically, we are discussing the continuation of three provisions of the Patriot Act. We have the lone wolf provision, which relates to foreign nationals in our country that are not specifically connected to a foreign terrorist network or foreign government or represent a security threat. We have the roving wiretap provision, again particularly problematic in how it's been designated where you don't have to even designate whose phone you are tapping or the area in which the phone is being tapped. All that has to be shown is that it might be a phone that is used by somebody who might be considered a suspect by someone without any oversight with regard to that matter. There's nothing to restrict it from being used to tap the phones of an entire neighborhood, an entire block, an entire city.

Has it been used for that? I don't know, because we haven't had yet a classified briefing on this matter. I certainly hope, and it's been stated in our prior debate on this, that it was the intention of our colleagues on the other side to hold hearings and a classified briefing prior to the 90-day period in which this expires.

Mr. DREIER. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. DREIER. One question I would have is February 25 of last year is when the 12-month extension was put into place. How many hearings or classified briefings were held for Members during the past 12 months before this February 25 expiration?

Mr. POLIS. Reclaiming my time, again, I would hope and I know that the gentleman and the chair of the Rules Committee's intentions and goals, as are the Speaker's, are more transparency in this Congress. And I don't think it's particularly helpful to cite what may be a failure of the Democrats to deliver on reforming the Patriot Act and say, therefore, we don't have to succeed either in reforming the Patriot Act.

I want to discuss the importance of this vote. We all agree that this affects our national security and the civil liberties of Americans. And yet, unfortunately, from a process perspective, we have reverted back to getting this through first on a suspension vote, then on a long-term extension, and now on a short-term extension.

Again, there is no doubt that the short-term extension is favorable to a long-term extension from those of us who have legitimate concerns, and I think there is even a bipartisan consensus that these concerns are legitimate about the overreach of the Patriot Act. We will have, as a result of this, a 90-day period to try to work

through, in a bipartisan, way some of our concerns and make sure that we protect what is special about being Americans. We had an emergency meeting of the Rules Committee late last night, which was the second emergency meeting for this bill alone. Again, I think we all knew coming into this Congress that these provisions were set to expire. There would have been time for the Judiciary Committee to hold hearings and even a markup with regard to this bill, because they have held hearings with regard to other bills. They were constituted. They held hearings on immigration, on abortion, on other topics. And I think that, regardless of where one stands on this bill, it rises to the level of importance for American citizens that we do strike the right balance between security and protection of civil liberty.

If House Republicans are going to honor the promise of openness and transparency, we must make sure that they do schedule the hearings and markups that are necessary to have a proper debate of this bill. Now, this new version before us today, the short-term CR, provides a window for that; and I am hopeful that the chairs of the respective committees of jurisdiction and subcommittees will be able to offer some assurances to members of both parties that are concerned that this 90-day period will be used to improve upon the bill, to hold hearings on the bill, and offer classified briefings for Members so we can determine exactly how these authorities have been used. Only after the initial effort to push this bill through under suspension failed did Republican leadership bring it to the floor under a closed rule. New Members have not even had a classified briefing, nor have I, the Members from last session, so it's hard for us to understand exactly how these authorities that are delegated are being used.

It is clear that there's bipartisan support to improve this law. In fact, even as we speak, the Senate is debating several versions of the long-term reauthorization bill, and I think there's a very legitimate and important security concern in support of long-term reauthorization so law enforcement can plan accordingly and have long-term planning with regard to exactly what powers and the balances they have with protecting civil liberties they will have.

I think we can all agree a 90-day extension is not the right answer. It's not the right answer for law enforcement. It's not the right answer for protecting our civil liberties. It may be an answer that affords us a chance to get it right, and I would call upon members of both parties to work hard to do that.

Apart from the procedural flaws with the process, the Patriot Act is a bill that really has been plagued with abuse since it was first passed. After 10 years of public record, there are some clear sections of the law that need to be improved. And yet here we are again. Instead of debating those sec-

tions of the law and finding solutions we can agree on, we are facing an up-or-down vote on this bill with very little debate.

This reauthorization fails to provide the administration with the tools and predictability it needs to fully protect and defend our Nation. The administration supports a permanent reauthorization and has asked for a real one, and I think they are willing to work with us in this body on improving the Patriot Act.

So this bill fails both to please the advocates pushing to reform the Patriot Act and also fails to provide for the administration, whose job it is to protect our country.

Again, we ask why is the Republican Party jamming this bill through here, today, instead of debating a real bill that would improve our national security.

This bill before us today specifically reauthorizes three provisions of the Patriot Act. Section 215 allows the government to capture any tangible thing, any business record that might be relevant to a terrorist investigation. That can include medical records, a diary, even, in one case, books that have been checked out of a library. There was a library where somebody checked out a book about Osama bin Laden, and who that person was was reported on.

In the past, these orders were limited to certain classes of businesses and records and also required that we show specific facts that pertain to an agent of a foreign power. And if the Patriot Act is stripped away of those basic requirements, that's something I think that every American who values privacy should be concerned about.

This section 215 goes against the basic constitutional notions of search and seizure. We began this session of Congress by reading the Constitution on the floor of the House, and this really comes at the very core identity of what it means to be an American.

The government, under our Constitution, is required to show reasonable suspicion or probable cause before they can infringe upon an American's privacy. We should seriously consider making changes to this section instead of blindly giving the government the ability to secretly spy on its citizens.

Section 206, the second provision of the bill, allows the government to conduct the roving wiretaps. These allow the government to obtain surveillance warrants that don't even specify a certain person or an object that's going to be tapped. Another problem with this is the Fourth Amendment of our Constitution, which again I'm sure all my colleagues are familiar with, having read it on the floor of the House. It states that warrants must specify the person and places to be seized and searched with particularity. This is to make sure the executive branch doesn't have unfettered power to decide single-handedly who and how to search private citizens and seize their property.

The Founding Fathers were concerned and worried about the possibility of a central government authority issuing general warrants that would give it far-reaching power to spy on its citizens and intervene in their private lives. That's an American value that we share today, and I think it's critical to craft protections for our privacy as Americans that can be consistent with the need to secure our country before authorizing the government such overwhelming power.

The final section would be the lone wolf provision, which allows secret surveillance of noncitizens in the U.S. These are foreign citizens who are here legally, even if they are not connected to a terrorist group or foreign power. So, again, this authority is only granted in a secret court.

So from our perspective in Congress, without having had the benefit of a classified briefing, it's very difficult for us to exercise any meaningful oversight on a provision when we're not aware of how or if it's been used.

My friends on the other side of the aisle have said in numerous debates that they are worried about the growth of government. Yet, in spite of the recent rhetoric about how the government is trying to take control over our lives, this bill, their fifth bill under rules since taking control of the House, actually gives the government the ability to spy on innocent Americans.

□ 1230

No wonder so many Republicans joined Democrats in voting against this bill earlier this week. I encourage my colleagues to continue standing strong for civil liberties.

With that, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

I just was talking to our first-rate staff here saying that the last statement my friend just made is just plain wrong. This bill does not allow the government to spy on innocent Americans.

I also want to say, Mr. Speaker, before I yield to the distinguished chair of the Crime Subcommittee, that the notion of claiming that we could have had full hearings before we dealt with this expiration is preposterous. The Judiciary Committee organized about 2 weeks ago, and the expiration date, the 1-year expiration date that was established last February 25 provided that entire year, and there was not a single hearing.

I wasn't being critical of the majority. But what I am being critical of is to come here and now point the finger at us and saying, why haven't hearings and briefings been held on this issue before we deal with the extension? The extension is set to come to pass in one legislative day. We are going to deal with a 90-day extension that is before us that the Senate passed by that 86-12 number, and I think it is very clear that we have to do our work.

The person who is going to lead this effort is the former chairman of the Ju-

diciary Committee, my friend from Menomonee Falls, Wisconsin, who is ready in the next 90 days to take this measure on with great enthusiasm. I would like to yield him 3 minutes, Mr. Speaker.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from San Dimas, and I just want to reiterate the point that my friend from Colorado is so, so wrong. We have heard most of these arguments in the three times this bill has been on the floor in the last 9 days.

I want to say again, first of all, the Judiciary Committee under my chairmanship reported out a Patriot Act unanimously in October of 2001, and that ranged from people like MAXINE WATERS on the left to Bob Barr on the right. We did reform the Patriot Act in 2005 when it came up for renewal last time, and I fulfilled my promise, number one, to oppose a premature elimination of the sunset, and, number two, to have hearings on each of the then 17 expanded provisions of law enforcement that were sunsetted at that time.

Fourteen out of the 17, there was no complaint about. Even the American Civil Liberties Union testified on behalf of the fact that there were no abuses whatsoever in those 14. There was concern about the three that are in the underlying bill today, and at the insistence of the gentleman from California, Mr. LUNGREN, we put a sunset on it. That expired in 2009, and there have been two extensions that were voted on by the then-Democrat Congress, but they really didn't get at what the complaints of the gentleman from Colorado, Mr. POLIS, have been.

This bill has been used by its opponents as a way of expressing frustration with the FBI and other law enforcement agencies that have nothing to do with the Patriot Act, and it is kind of like a bait and switch or putting up a straw man and then attacking the straw man, because they really can't attack the real man, which is the Patriot Act and what is up for extension.

None of these three provisions have been held unconstitutional by a court. There hasn't even been a challenge to the roving wiretaps, and there hasn't been a challenge to the lone wolf provision that is also up for renewal. When there was a challenge to section 215, business records, or for that matter library records, the reforms that I wrote and which we passed in 2005 corrected them to the extent that those who were filing the constitutional challenge against it withdrew their complaint after we fixed what they were complaining about.

Now the gentleman from Colorado and the other opponents of the Patriot Act are complaining for the sake of complaining. They are saying that there has been a violation of civil liberties. There hasn't been. No court has found that there has been a violation of civil liberties.

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

Mr. DREIER. I yield the gentleman an additional minute.

Mr. SENSENBRENNER. On none of these provisions that are up for renewal has there really been any meritorious complaint. There has been this great big fear that civil liberties have been violated, but when you get down to the facts, no court has found that civil liberties have been violated.

I really would hope that we could debate these issues without all of the smokescreen of the other sins, real or imagined, by law enforcement, and particularly by the FBI, and maybe we could get to a rational debate on what this bill does. But the arguments I have heard from the gentleman from Colorado and other opponents of this rule and this bill simply miss the mark. You are now up to strike four, I would say to the gentleman from Colorado. Let's retire the side.

Mr. POLIS. I yield myself 1 minute.

Mr. Speaker, first of all, I want to respond. Absolutely the Patriot Act can be used to investigate and find out private records from innocent Americans, and we say that because section 215 can be used for any information relevant to an investigation. It doesn't need to be from the subject of an investigation. It can be Internet records, what they buy at a bookstore, what they get at a library.

The Judiciary Committee has had time to have 10 hearings this year. It is just none of them have happened to be on this particular topic. Apparently it is not important enough to discuss. How are we to know whether violations have occurred if we don't have the benefit of a classified briefing before making this vote?

Saying no court has found or there haven't been reported violations, well, that is because all of this is hush-hush and secret, as some of it needs to be, and I would agree. But for us to execute our oversight function, you can't just simply say there haven't been abuses because we don't know about them. We have to find out about what has been going on under this law and execute our judgment as an elected body representing our country to decide whether there have or haven't been abuses.

I am honored to yield 3 minutes to the ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman.

I first want to respond to some of the things that I just heard before I give my statement, if I may. The majority has promised that after we vote on this, we will have some hearings. We are told they are going to be rigorous and fair, and we are reminded of the many hearings held by Mr. SENSENBRENNER during the 2005 reauthorization.

Well, first, in the 111th Congress we held the hearings before we marked up the Patriot Act, before we asked Members to vote on the bill, not after. We

have new Members in the body who have never voted on the Patriot Act, have never been briefed on how these authorities are used. It is simply not responsible to make them vote when they don't know what they are voting on.

Second, the majority's nostalgia for 2005 has colored their memories a bit. While they remember a careful and thorough process, I remember being forced to hold minority hearings so all perspectives could be heard. I remember hearings being gavelled to a close before they were over. I remember a subcommittee chairman walking out of the hearing while Members were raising points of order. I remember microphones being turned off on Democrat members, including one of my fellow Members from New York, while they were speaking. I remember being forced to convene a hearing on something like 2 days' notice as the power to schedule the committee was abused. So I don't know how to take these current promises of openness and a fair procedure.

Third, while there has been so much talk today on the floor about using the coming hearings to reform the Patriot Act, we know that is simply not what is going to happen. My friends in the majority have already stated their views on the question. Last Congress, Chairman SMITH proposed a 10-year extension with no changes or reforms to the underlying law. In 2005, Mr. SENBRENNER proposed a permanent extension, and they have a bill for that right now in the Senate.

Indeed, if there were any will in the majority party to reform these provisions, that would have happened in the last Congress. The Democrat majority worked for months to forge a compromise but got no Republican support. So I don't expect the coming hearings to be part of any kind of reform process. I expect them to be heavy on political theater designed to make these powers permanent. That, no doubt, is why this extension is timed to force the next vote into the presidential primary season; to raise the political stakes.

Mr. Speaker, one of the reasons the 16 provisions were set to expire in 5 years is because they were deemed too invasive of our civil liberties, possibly invasive enough to be used to violate the very freedoms that our young men and women in uniform too often die protecting. These provisions provide the government with exceptional powers of search, seizure, and surveillance, often without the due process that our Constitution guarantees us.

□ 1240

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

Mr. POLIS. Mr. Speaker, I yield the gentlewoman 2 additional minutes.

Ms. SLAUGHTER. Nearly 10 years later, we continue to reauthorize these provisions without a blink of the eye. The idea of these measures always was

that they would be temporary. And yet to see the process under which we deliberate them, it seems they would last forever. Seeking no input or deliberation of any point in this bill's consideration and instead choosing to blindly move forward is a rather sad testament to the majority's view of an open process.

Ultimately, this is no way to consider a piece of legislation that has such far-reaching and profound implications for our civil liberties as this does. Yet the majority seeks to simply kick the can down the road, all the while stifling the rigorous debate with which these deserve and need to be scrutinized.

We would do well to remember that these provisions were passed into law in the frantic weeks after September 11, 2001, without our understanding of their potential impact and benefit. And that is why we created a sunset review in the first place and why we need thorough review as long as we keep these incredible powers in place.

Make no mistake, they are incredible powers. We're not patching a run-of-the-mill program here. These are powers that will allow the government to continue to access business records, conduct roving wiretaps, and monitor American citizens. The intrusive nature of these provisions that the majority seeks to whisk through would leave our Founding Fathers aghast at the willful erosion of the civil liberties they enshrined for us. Our swearing into office is an oath to protect and defend the Constitution. However, many Members of the House voted against the Constitution when this came on the floor last week. This process, lacking a serious review of far-reaching and invasive provisions, does not live up to that standard.

Mr. Speaker, I urge my colleagues to vote "no" on the rule and against the underlying measure.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my hard-working colleague, the gentleman from Gold River, California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, I don't know whether we're in an episode of "Alice in Wonderland" here or not. Just because you say something is true doesn't make it true.

The gentlelady just spoke a moment ago and said we need to look at this; we need to scrub this. And yet she is asking her colleagues to vote against the rule to not even allow this to be brought up. What's the conclusion of that? What's the intimation of that? That we should allow these provisions to expire. Not that we would have time to look at it, but they would expire, one legislative day left.

There are three major provisions in our effort to fight against terrorists. These are the provisions that initially were put under a sunset by the gentleman from Wisconsin when he was

chairman of the committee. And then later on when we redid, reviewed, and reformed provisions of this, I authored and brought forward the extension with the sunsets on these three provisions. So I find it interesting to have my friends on the other side of the aisle tell us what we were doing and tell us now that there has been a proven unconstitutionality or unconstitutional basis for these three provisions.

Interestingly enough, they refer to the lone wolf provision. That was known when it was first passed as the Schumer-Kyl provision. Now, some people may not be aware that those are two Senators, Members of the other body, I would say probably extending from the left to the right. Why did they put that in? Because we believe that we were actually burdening ourselves in a way that would not allow us to find out about terrorism before it was actually carried out.

The lone wolf provision recognizes that the greatest threat we have today are, as was said by the two cochairs of the 9/11 Commission, less consequential attacks; meaning attacks on a smaller scale than that we saw on 9/11, still meant to do grievous harm to Americans, to cause us to see the loss of life, to do tremendous fiscal damage to this country, yet with smaller cells or even from individuals.

Do we have to be reminded of what happened on that Christmas Day a couple of years ago? That was a lone wolf, even though these provisions wouldn't apply because he's an American citizen. Major Hasan was a lone wolf. Just to prove the point that we have to be concerned about lone wolves.

The other two provisions, the business records and the roving wiretaps, I'd like to talk about those because there's been so much misunderstanding, misstatements.

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

Mr. DREIER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I actually observed a Member of the other body this morning on television saying the reason that he voted against these extensions was that under the Constitution he believes that one ought to have a warrant so there's intervention of a third party that is a judicial officer. Well, these two provisions, the business records provision and the roving wiretap provisions, require the government to go to the FISA court to get permission to carry out those elements directed at any individual.

And so let's just make sure we know what we're talking about here. We're talking about two provisions that require the government to go before the FISA court to get permission to utilize those provisions in their investigation. And the third part deals with the lone wolf definition, and the lone wolf requirement is needed now more than it was when it first passed because of the difference in the threat to us that has

been recognized by our intelligence agencies and by the 9/11 Commission and, most recently, by Secretary Napolitano.

Mr. POLIS. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, the new majority in the House has told us that their decisions are guided by two principles: first, loyalty to the Constitution; and, second, a belief that the government is too large and too intrusive. Well, here's their chance to act on these principles, because the Patriot Act provisions we are voting on today represent Big Brother at its creepiest and most invasive. They are a clear violation of the Fourth Amendment, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Mr. SENSENBRENNER. Will the gentlewoman yield?

Ms. WOOLSEY. No, sir.

Mr. Speaker, for close to a decade now we've been told that our civil liberties must be shredded in the name of a so-called war on terrorism. We've been told that the national security imperatives of the moment are so great and so different than any we face in our history that we must submit to roving wiretaps and that we must empower the government to retain "any tangible thing" related to a terrorism investigation. "Any tangible thing"—that gives the government pretty broad discretion to ferret out just about whatever they want. It is an invitation to overreach and abuse. I believe it has stifled freedom more than it has advanced it.

There is a real incoherence to an approach that says we have to do violence to our Nation's values in order to protect them. Benjamin Franklin's words are just as powerful today as they were more than 200 years ago when he said, "Any society that would give up a little liberty to gain a little security will deserve neither and lose both."

I believe we must let these provisions expire. And let's not stop there. Let's move toward a fuller debate about civil liberties and national security, a debate that revises and ultimately repeals the Patriot Act.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds.

I was sorry that my friend would not yield to the distinguished chair of the subcommittee. He was simply going to ask her what provisions of the Patriot Act have been determined to be unconstitutional. The answer is: Not one.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want my friend from Wisconsin to know that

I don't denigrate his service on this. We have a different way of looking at this.

I believe the Patriot Act represents the cracked domestic crown jewel of a disastrous global war on terror which led us to attack Iraq based on lies, invade Afghanistan based on a misreading of history, indulge in occupations which having fueled insurgencies, expand war to Pakistan and other countries, demonstrating a total lack of common sense. So the Patriot Act issues from a pestiferous soil laced with lies and distortions.

□ 1250

We've created a national security state which threatens our Constitution and weakens our basic liberties. This is not about whether you're Democrat or Republican, liberal or conservative, but whether we can actually realize that we have been sold a bill of goods, lies about WMDs, and questions about the nature of an anthrax attack, which caused us all too willingly to limit our civil liberties.

I joined other Members of Congress in approving the United States in its launching of attacks on the training camps after 9/11 because we have a right to respond and defend ourselves. We also have an obligation to defend the Constitution. We have an obligation to defend the truth. Freedom isn't free, and we shouldn't freely give our freedoms away.

Francis Scott Key wrote the Star-Spangled Banner. Remember these words: "O say, does that star-spangled banner yet wave o'er the land of the free and the home of the brave?" He connected freedom and democracy.

We have to be courageous to stand up for this Constitution. I believe my colleagues on the Republican side are courageous Americans and are good Americans, but I want to say we have to look at the context in which the Patriot Act was passed, and we have to, from that context, challenge the Patriot Act.

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

Mr. POLIS. Mr. Speaker, I am glad to yield 2 minutes to the gentlewoman of California (Ms. CHU), a member of the Judiciary Committee.

Ms. CHU. I rise today to oppose this rule. The underlying bill will extend provisions of the Patriot Act that continue to deny Americans their civil liberties.

Mr. Speaker, we should not be extending these provisions. We should be fixing them. A delay even of 3 months will only incur more violations of the civil rights of American citizens.

Take the so-called "roving wiretaps," which allow our government to spy on a nebulous array of people and technology. If the FBI wants to wiretap a phone, they don't even have to know who they're listening to. They don't even have to get a court's permission to tap a phone before they start listening.

Now, last year, I voted on a bill that would at a minimum require the government to name the place or person they want to listen to. But does this bill include that simple protection? No.

These provisions, including the provision to allow the FBI to access your private information, even the books that you read, make a mockery of our civil liberties—letting the government spy on whomever they want for any reason without letting Americans know or without giving them a chance to challenge that order in court.

It has been a full decade since these overly broad provisions were passed, and I don't think we should extend them without commonsense changes. We need to fix them and fix them now and protect American privacy and personal information from government overreach.

So I urge the other side to come back to the table and work with us on a bill that protects our national security without undermining Americans' civil liberties and constitutional rights. And if they can't find a way to work with us on a bipartisan basis to protect the American people, then all of my colleagues should oppose this rule and the underlying bill.

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

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, this Patriot Act really speaks to our very core identity as Americans.

How do we balance what makes it special to be an American—with our unprecedented levels of rights that we enjoy, our privacy as individuals, our civil liberties—and reconcile that with staying safe in an incredibly complex world?

I think it is critical for any of us who are concerned about the unchecked growth of this state, those of us who seriously believe in protecting the rights and liberties of Americans, to seriously look at these issues and debate them. A "no" vote on the rule and the bill is the first step towards accomplishing that.

The House was in session late into the night, as it likely will be again tonight, on a very important topic: cutting spending. I've put several suggestions forward. I appreciate this process which has enabled Members to come up with how we are going to cut. There have been a lot of great ideas that have been submitted through amendments. I would submit that this Patriot Act and balancing our civil liberties with our security is as important a topic with regard to what it means to be an American as is making cuts in our budget.

I voted against the adjournment resolution yesterday. I think that, if we were in session next week and put the time into solving the issues under the Patriot Act that we're putting into making budget cuts, we would be able to come to a consensus that protects our civil liberties and that also keeps Americans safe from the threat of terrorism.

The majority argues that we must pass this extension now without any process. It has also been alluded to that there were not hearings in the last Congress. There actually were. The Judiciary Committee held two hearings on the Patriot Act in 2009. It has been said, Oh, there hasn't been time to hold hearings in this Congress because the Judiciary Committee just constituted itself. Well, they found time to hold 10 hearings on items that have not even come to the floor. So surely there would have been time for one hearing on an item that everybody knew was going to expire and needed to be dealt with.

Those of us who joined Congress in the last session as well as our new Members this session, many of whom are on the other side of the aisle, have not had any classified briefings on how this authority that has been given to the Federal Government has been used.

How can we exercise meaningful oversight with regard to these three provisions of the Patriot Act, and the Patriot Act in general, if we are not given the benefit of finding out exactly how these broad powers that have been given to the Federal Government have been used?

If this passes today—and I expect it might—it is critical that we take the next 90 days to make sure that Congress can properly execute its oversight upon the next need for renewing the necessary provisions of the Patriot Act. There is a window of time that will afford the Judiciary Committee to do its work in a bipartisan way, which is to include other Members through a classified briefing to find out how and when the powers under the Patriot Act have been used, so that Members of this body can make an informed decision, an informed decision about how to move forward in 90 days in protecting our rights as Americans and in protecting our security as Americans. The two are not irreconcilable, and we cannot sacrifice what makes it special to be an American in the name of security—or the terrorists will have won.

I urge a “no” vote on the rule and the bill.

I yield back the balance of my time.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD on H. Res. 93.

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

There was no objection.

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

Mr. Speaker, we are where we are. The Senate took our 10-month extension that we passed by a vote of 274-144, and decided to offer a 90-day extension, which passed by an 86-12 vote.

Even before we saw this extension, the gentleman from Menomonee Falls, the chairman of the Crime Sub-

committee and the former chairman of the Judiciary Committee, had made a commitment that he will proceed very vigorously in the next 90 days to deal with the questions that my friend has raised.

I think that many of the questions that have been raised are valid. That's why it is that we need to have this extension, which is scheduled to expire in one legislative day if we take no action, because I think everyone can acknowledge that the Patriot Act has played a role in keeping the United States of America safe.

My two colleagues and I have joined from the get-go in saying that they should not have made this measure permanent, because we were legislating through the prism of September 11 at the outset. We felt very strongly that recognizing the civil liberties of every single American has to continue to be a very, very top priority while we look at what, I think, are the five most important words in the middle of the preamble of the U.S. Constitution, which are “providing for the common defense.”

In his first inaugural address, Thomas Jefferson made it very clear when he said that a wise and true government shall restrain men from injuring one another.

That is why our security has to be of paramount importance, but it doesn't mean it is done at the expense of civil liberties and the rights of every American.

Well, guess what, Mr. Speaker? The gentleman who chairs the Crime Subcommittee is absolutely dedicated within the next 90 days of pursuing that as vigorously as possible.

□ 1300

I will say that when this extension that we're faced with right now was passed, last February 25, 1 year ago, that brought to an end any discussion, any hearings. That brought to an end any hearings through the entire rest of that Congress once the extension was put into place.

I will say that any Member who wants a classified briefing can request it, and so the opportunity for classified briefings on the Patriot Act or any other measure is there for Members of this body.

So, Mr. Speaker, it's clear to me, we have a 90-day extension that has come back from the Senate. It will expire in one legislative day. We want Mr. SENSIBRENNER to begin working with Mr. LUNGREN and others who have spent so much time and energy in dealing with the questions of the lone wolf and roving wiretaps and all that. We need to have that addressed as quickly possible.

So let's do it, let's do it now, let's pass this thing in a bipartisan way and get it done.

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 ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 176, not voting 3, as follows:

[Roll No. 45]

YEAS—254

Adams	Gallegly	Miller (MI)
Aderholt	Gardner	Miller, Gary
Akin	Garrett	Mulvaney
Alexander	Gerlach	Murphy (PA)
Altmire	Gibbs	Myrick
Amash	Gingrey (GA)	Neugebauer
Austria	Gohmert	Noem
Bachmann	Goodlatte	Nugent
Bachus	Gosar	Nunes
Barletta	Gowdy	Nunnelee
Bartlett	Granger	Olson
Barton (TX)	Graves (GA)	Palazzo
Bass (NH)	Graves (MO)	Paulsen
Benishek	Griffin (AR)	Pearce
Berg	Griffith (VA)	Pence
Biggert	Grimm	Peters
Billray	Guinta	Peterson
Bilirakis	Guthrie	Petri
Bishop (UT)	Hall	Pitts
Black	Hanna	Platts
Blackburn	Harper	Poe (TX)
Bonner	Harris	Pompeo
Bono Mack	Hartzler	Posey
Boren	Hastings (WA)	Price (GA)
Boustany	Hayworth	Quayle
Brady (TX)	Heck	Rahall
Brooks	Heller	Reed
Broun (GA)	Hensarling	Rehberg
Buchanan	Herger	Reichert
Bucshon	Herrera Beutler	Renacci
Buerkle	Huelskamp	Ribble
Burgess	Huizenga (MI)	Rigell
Burton (IN)	Hultgren	Rivera
Calvert	Hunter	Roby
Camp	Hurt	Roe (TN)
Campbell	Issa	Rogers (AL)
Canseco	Jenkins	Rogers (KY)
Cantor	Johnson (IL)	Rogers (MI)
Capito	Johnson (OH)	Rohrabacher
Cardoza	Johnson, Sam	Rokita
Carter	Jones	Rooney
Cassidy	Jordan	Ros-Lehtinen
Chabot	Kelly	Roskam
Chaffetz	King (IA)	Ross (AR)
Chandler	King (NY)	Ross (FL)
Coble	Kingston	Royce
Coffman (CO)	Kinzinger (IL)	Runyan
Cole	Kissell	Ryan (WI)
Conaway	Kline	Scalise
Cooper	Lamborn	Schilling
Costa	Lance	Schmidt
Cravaack	Landry	Schock
Crawford	Lankford	Schweikert
Crenshaw	Latham	Scott (SC)
Critz	LaTourette	Scott, Austin
Cuellar	Latta	Sensenbrenner
Culberson	Lewis (CA)	Sessions
Davis (KY)	LoBiondo	Sewell
Denham	Long	Shimkus
Dent	Lucas	Shuster
DesJarlais	Luetkemeyer	Simpson
Diaz-Balart	Lummis	Smith (NE)
Dold	Lungren, Daniel	Smith (NJ)
Donnelly (IN)	E.	Smith (TX)
Dreier	Mack	Southerland
Duffy	Manzullo	Stearns
Duncan (SC)	Marchant	Stivers
Duncan (TN)	Marino	Stutzman
Ellmers	Matheson	Sullivan
Emerson	McCarthy (CA)	Terry
Farenthold	McCarthy (NY)	Thompson (PA)
Fincher	McCaul	Thornberry
Fitzpatrick	McCotter	Tiberi
Flake	McHenry	Tipton
Fleischmann	McIntyre	Turner
Fleming	McKeon	Upton
Flores	McKinley	Walberg
Forbes	McMorris	Walden
Fortenberry	Rodgers	Walsh (IL)
Fox	Meehan	Webster
Franks (AZ)	Mica	West
Frelinghuysen	Miller (FL)	Westmoreland

Whitfield Womack Young (FL)
Wilson (SC) Woodall Young (IN)
Wittman Yoder
Wolf Young (AK)

NAYS—176

Ackerman Green, Gene
Andrews Grijalva
Baca Gutierrez
Baldwin Hanabusa
Barrow Harman
Bass (CA) Hastings (FL)
Becerra Heinrich
Berkley Higgins
Berman Himes
Bishop (GA) Hinchey
Bishop (NY) Hinojosa
Blumenauer Hirono
Boswell Holden
Brady (PA) Holt
Braley (IA) Honda
Brown (FL) Hoyer
Butterfield Inslee
Capps Israel
Capuano Jackson (IL)
Carnahan Jackson Lee
Carney (TX)
Carson (IN) Johnson (GA)
Castor (FL) Johnson, E. B.
Chu Kaptur
Cicilline Keating
Clarke (MI) Kildee
Clarke (NY) Kind
Clay Kucinich
Cleaver Labrador
Clyburn Langevin
Cohen Larsen (WA)
Connolly (VA) Larson (CT)
Conyers Lee (CA)
Costello Levin
Courtney Lewis (GA)
Crowley Lipinski
Cummings Loeb sack
Davis (CA) Lofgren, Zoe
Davis (IL) Lowey
DeFazio Lujan
DeGette Lynch
DeLauro Maloney
Deutch Matsui
Dicks McClintock
Dingell McCollum
Doggett McDermott
Doyle McGovern
Edwards McNeerney
Ellison Meeks
Engel Michaud
Eshoo Miller (NC)
Farr Miller, George
Fattah Moore
Filner Moran
Frank (MA) Murphy (CT)
Fudge Nadler
Garamendi Wilson (FL)
Gibson Neal
Gonzalez Olver
Green, Al Owens

NOT VOTING—3

Giffords Markey Speier

□ 1329

Messrs. JACKSON of Illinois, WALZ of Minnesota, Ms. BASS of California, Messrs. BACA, LABRADOR, BUTTERFIELD, Mrs. LOWEY, Messrs. COURTNEY and MURPHY of Connecticut changed their vote from “yea” to “nay.”

Messrs. ADERHOLT, DUNCAN of Tennessee, BILBRAY, LOBIONDO, BARTLETT, MURPHY of Pennsylvania, Ms. HERRERA BEUTLER, Messrs. CARDOZA, HELLER, JONES, BARLETTA, CRAVAACK, ROGERS of Alabama, RAHALL, BUCSHON, BILIRAKIS, GRIMM, FRELINGHUYSEN and YOUNG of Alaska changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO THE BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore (Mr. GINGREY of Georgia). Pursuant to 10 U.S.C. 4355(a) and the order of the House of January 5, 2011, the Chair announces the Speaker’s appointment of the following Member of the House to the Board of Visitors to the United States Military Academy:

Mr. SHIMKUS, Illinois.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1330

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. PRICE of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 223, printed in the CONGRESSIONAL RECORD, offered by the gentleman from New Jersey (Mr. PASCRELL) had been postponed and the bill had been read through page 263, line 9.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. ROONEY of Florida.

Amendment No. 95 by Mr. JONES of North Carolina.

Amendment No. 237 by Mr. HOLT of New Jersey.

Amendment No. 97 by Mr. DEFAZIO of Oregon.

Amendment No. 153 by Mr. MICHAUD of Maine.

Amendment No. 368 by Mr. FLAKE of Arizona.

Amendment No. 260 by Mr. LATTA of Ohio.

Amendment No. 125, as modified, by Mr. WEINER of New York.

Amendment No. 110 by Mr. DUNCAN of South Carolina.

Amendment No. 192 by Mrs. BIGGERT of Illinois.

Amendment No. 395 by Mr. INSLEE of Washington.

Amendment No. 4 by Mr. TONKO of New York.

Amendment No. 259 by Mr. LATTA of Ohio.

Amendment No. 98 by Mr. DEFAZIO of Oregon.

Amendment No. 223 by Mr. PASCRELL of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. ROONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. ROONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 198, answered “present” 1, not voting 1, as follows:

[Roll No. 46]

AYES—233

Ackerman	Deutch	Johnson (GA)
Adams	Dicks	Johnson (IL)
Altmire	Doggett	Johnson, E. B.
Amash	Dold	Johnson, Sam
Baca	Doyle	Jones
Baldwin	Duffy	Kind
Barrow	Duncan (SC)	King (NY)
Barton (TX)	Duncan (TN)	Labrador
Bass (CA)	Edwards	Lance
Becerra	Ellison	Landry
Benishek	Ellmers	Langevin
Berman	Eshoo	Lankford
Bishop (GA)	Farenthold	Larson (CT)
Bishop (NY)	Farr	Lee (CA)
Blackburn	Fattah	Lewis (GA)
Blumenauer	Filner	Lofgren, Zoe
Boren	Fincher	Long
Boustany	Fitzpatrick	Lowe
Brady (PA)	Flake	Lujan
Brady (TX)	Fleischmann	Lummis
Braley (IA)	Flores	Lungren, Daniel
Brown (GA)	Frank (MA)	E.
Brown (FL)	Garamendi	Lynch
Buchanan	Gardner	Mack
Buerkle	Garrett	Maloney
Burgess	Gibson	Marchant
Butterfield	Gingrey (GA)	Matheson
Camp	Gohmert	Matsui
Campbell	Gonzalez	McCarthy (NY)
Canseco	Gosar	McClintock
Capito	Granger	McCollum
Capps	Graves (GA)	McDermott
Cardoza	Graves (MO)	McKinley
Carnahan	Green, Al	Meehan
Carter	Green, Gene	Meeks
Cassidy	Griffin (AR)	Mica
Castor (FL)	Grijalva	Michaud
Cicilline	Hall	Miller (FL)
Clay	Hanabusa	Miller (MI)
Coble	Harman	Miller, George
Coffman (CO)	Harris	Moore
Cohen	Hastings (FL)	Murphy (CT)
Cole	Hayworth	Nadler
Conyers	Heinrich	Napolitano
Cooper	Hensarling	Neal
Costa	Herger	Neugebauer
Courtney	Himes	Noem
Crawford	Hinojosa	Olver
Cuellar	Hirono	Owens
Culberson	Holden	Pallone
Cummings	Holt	Pascrell
Davis (CA)	Honda	Pastor (AZ)
Davis (IL)	Hoyer	Paul
DeFazio	Huelskamp	Paulsen
DeGette	Huizenga (MI)	Payne
DeLauro	Inslee	Pearce
Denham	Jackson (IL)	Pelosi
Dent	Jenkins	Perlmutter