

bill continues to allow the FBI to get financial, telephone, Internet and consumer records relevant to an intelligence investigation without judicial approval.

Prior to the PATRIOT Act, these requests had to be directed at agents of a foreign power. Under the PATRIOT Act, they can be used against anyone, including American citizens.

The bill continues to allow the FBI to execute a search and seizure warrant without notifying the target of a warrant for 6 months if it is deemed that providing advance notice would interfere with the investigation. This section is not limited to terrorism investigations and is not scheduled to sunset.

The bill does not sufficiently address the issues in section 206 which deal with the roving John Doe wiretaps. Under the PATRIOT Act, the FBI can obtain a warrant and intelligence investigations without identifying the person or the phone in question.

This bill does nothing to protect library records and bookstore receipts. I offered an amendment in the Intelligence Committee to modify Section 215 of the PATRIOT Act to prohibit the FBI from using this section to obtain library circulation records, library patron lists, book sales records, or book customer lists, but the amendment was not allowed by the Rules Committee.

In conclusion, the American people love and cherish their liberties, and they want and deserve to be safe. I think we can do both. I do not believe this bill does both. We need a better bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I appreciate the gentleman yielding me this time.

Over the past 3 years, the PATRIOT Act has played a key role in the prevention of terrorist attacks right here in the United States. Prior to the PATRIOT Act, the ability of government agencies to share information with each other was limited, which kept investigators from fully understanding what terrorists might be planning and to prevent their attacks.

The U.S. Attorney for the Northern District of Indiana, Joseph Van Bokkelen, explained, "If an assistant U.S. Attorney learned through the use of a grand jury that there was a planned terrorist attack in northern Indiana, he or she could not share that information with the CIA."

The PATRIOT Act brought down the wall separating intelligence agencies from law enforcement and other entities charged with protecting the Nation from terrorism. It has given law enforcement the tools they need to investigate terrorist activities while striking a delicate balance between preventing another attack and preserving citizens' constitutional rights. And to date, there has not been one verified case of civil liberties abuse.

Mr. Chairman, I urge my colleagues to join me in supporting the reauthor-

ization of the PATRIOT Act and to give our government the tools it needs to succeed in the war on terrorism.

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), another valued member of our committee.

Mr. HOLT. Mr. Chairman, I rise in opposition to the PATRIOT Act. Even if all of the amendments before us today are passed, it will not bring this bill into the shape that it should be.

We worked on this in the Permanent Select Committee on Intelligence. I am sorry to say that most of our reasonable amendments were voted down on a party-line basis. But to make matters worse, even those improvements made in the Permanent Select Committee on Intelligence did not find their way through the Committee on Rules to the floor. So I remain deeply concerned about what this bill does to the American people.

The police and prosecution powers of government are among the most important powers for preserving life and liberty, but they are also among the most fearsome. Section 213, the so-called sneak-and-peek searches, it would allow investigators to come into your home, my home, take pictures, seize personal items, and when they discover they have made a mistake, there is no time in which they have to notify you that they have been there. One does not have to be a paranoid to be concerned that somebody has been in your house.

Members might say it only applies to terrorists; it does not apply to law-abiding citizens like you and me. Well, tell that to Brandon Mayfield, tell that to the Portland attorney who was detained by investigators under the PATRIOT Act. Now, the FBI in that case apologized, but this is something that hits home, and we have a responsibility to preserve the freedoms of people at home.

Mr. Chairman, I rise today in opposition to the reauthorization of the PATRIOT Act. As you know, the PATRIOT Act was passed in the aftermath of the attacks of September 11, 2001. The Act was an immediate reaction to the state of shock the country was in—being drafted, briefly debated, approved, and signed into law by October 26, 2001, just weeks after the attacks. At the time I, and many other Members of Congress, voted for the Act under the condition that a number of the provisions contained within it would sunset and thus would need to be reviewed and reauthorized.

The police and prosecution powers of the government are important and necessary to preserving life and liberty, but they are also the most fearsome powers of government and, if abused, can rob us of life and liberty. For generations, thousands upon thousands of people have come to America's shores to be free of the oppressive hand of authorities in other countries, to be free of the fear of the knock on the door in the middle of the night, to be free of the humiliation and costs and stigma of inappropriate investigations.

As the only Member of Congress from New Jersey, a state which suffered great loss on September 11th, on the House Permanent Se-

lect Committee on Intelligence, I looked forward to working within the committee during our mark up of the PATRIOT Act to address a number of valid concerns that have arisen over the last few years about the sun-setting provisions. However, most of the important amendments that were offered were defeated on party lines. And what we did accomplish—the improvements we made—did not make it through the Rules Committee for consideration on the floor.

I remain deeply concerned about many of the provisions in the PATRIOT Act as reported to the House, but I would like to specifically discuss two of them. I am deeply troubled by Section 213, which will be permanently reauthorized by this legislation. The so-called "sneak and peek" searches allow federal agents to literally go in to your home, my home, anyone's home and conduct a secret search. Investigators can take pictures and even seize personal items or records and unbelievably they do not need to tell you about it for an indefinite period of time. When they discover they made a mistake or they discover you are not engaged in terrorist actions, they are under no obligation to ever let you know promptly.

Another provision of the PATRIOT Act, Section 215, allows investigators broad access to any record without probable cause of a crime. This means that investigators can review your deeply personal medical records and also library records without telling you about it and without any probable reason to do it. Investigators under Section 215 would be able to access all the medical records at a local hospital with only the indication that there may be potentially valuable records contained therein. In other words, most of the records searched are of innocent people, but because there is a terrorist investigation underway or a terrorists records might be somewhere in the batch, they get swept up in the search.

These provisions and many others have a deep impact on the freedoms and civil liberties all Americans. Some will say we need these provisions to track down terrorist and build cases against them. But what goes unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of this that the PATRIOT Act must be understood as affecting all of us. A small number of unnecessary intrusions can have a broadly chilling effect. Proponents of the Patriot bill before us will say that it is directed at terrorists, not law abiding citizens, but they should try to tell that to Mr. Brandon Mayfield of Portland, Oregon.

Brandon Mayfield, a Portland attorney, was detained by investigators last year as a material witness under authority granted by the PATRIOT Act. They alleged that his finger prints were found on a bag linked to the terrorist bombings in Madrid, Spain last year. More so called evidence was collected when his residence was searched, without his knowledge, under Section 213 of the Act. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is no conciliation for a lawyer and Muslim American whose reputation was tarnished by this investigation, made possible by the overly-broad powers granted under the PATRIOT Act. How can we allow this to happen in America? Of course, some mistakes will occur, but this bill strikes the wrong balance and makes those errors more likely.

In 2001, I voted in favor of the PATRIOT Act with reservations, and my reservations have only increased over time. At the time, I said that in the anxious aftermath of the attacks of September 11, 2001, we were likely to get wrong the balance between freedom and security. I insisted on a sunset clause so that the law would expire after several years and Congress would adjust the balance. Because those sunsets were adopted we have an opportunity to revisit this important legislation today. Unfortunately, the Majority has prevented many amendments which have bipartisan support from being offered. These amendments would have helped restore the proper balance between freedom and security that the bill gets wrong. And they would have provided the important sunsets that would force review of the bill in four years.

James Madison, speaking in 1788 before the Virginia Convention (not all that far from where we are today) explained what I believe is the unanswered problem with the PATRIOT Act. He said, "I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." As Madison said over 200 years ago, the liberty and freedoms we as Americans cherish are being eroded today not at the barricade, but in the library, and at our local doctor's office. It is for this reason that I urge my colleagues to vote "no" on the PATRIOT Act.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), a member of the Permanent Select Committee on Intelligence.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for his leadership on this action as well as others that involve the Permanent Select Committee on Intelligence.

I want to remind Members why we are here. We are here because the PATRIOT Act will sunset. It will sunset so we can see if there were any violations of civil liberties during the time it was in effect, which will be approximately 4 years by the end of this year.

There were over 7,000 alleged violations filed by the American Civil Liberties Union, as Members heard before from the gentleman from Indiana. However, we have no violations of civil liberties under the PATRIOT Act. Of those 7,000 allegations, some were under other parts of the law, but none under the PATRIOT Act. So what we are talking about in this bill is sort of splitting hairs.

We have heard comments about how there is no judicial oversight for what is going on. There is judicial oversight for almost everything involved in the PATRIOT Act with few exceptions, like national security letters, which does require a certification of relevance before they move forward.

We use these tools in the PATRIOT Act so we can catch terrorists and prevent acts of violence against American citizens. We use these same tools in other parts of the law, like when we are trying to find patent infringement, when we are trying to catch organized criminals, when we are trying to stop

drug trafficking. This is a good law. I hope my colleagues will support it. It does protect civil liberties, and we should pass it.

Ms. HARMAN. Mr. Chairman, to the last speaker, I agree it is good, but I think it could be a lot better.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), the former rookie of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, we are all watching what is happening in London; and with that backdrop, we are discussing reauthorizing the PATRIOT Act today. We are all committed to finding and fighting terrorists. No one party, Democrats or Republicans, has exclusivity over this issue. We are all for stopping terrorists and protecting our citizens.

While we are all committed to this fight, it is still our congressional duty to exercise our oversight responsibilities. We can do this effectively with sunset provisions. Sunset provisions hold Congress accountable for reexamining and determining the effectiveness and impact of the PATRIOT Act.

As a member of the Permanent Select Committee on Intelligence, I hold this oversight responsibility as one, if not my most, important function. Let me say up front that I think the PATRIOT Act provides essential tools for law enforcement authorities that were not available before the 9/11 attacks. These tools are essential to identifying and tracking terrorists inside the United States.

The House Permanent Select Committee on Intelligence held two open hearings for the PATRIOT Act. These hearings led me to conclude that the PATRIOT Act, while good, is not perfect. Additional time is needed to assess many of these provisions' effectiveness and impact on civil liberties, and that is why we need to call for sunsets.

It is clear to me that we still face serious threats and we need some of the powers of the PATRIOT Act. Sunset provisions are important because they allow for review and oversight. Oversight allows us to protect civil liberties; but more importantly, it allows us to enhance law enforcement tools to keep pace with the terrorists.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the Cold War is over and the world is a more dangerous place. The strategy that we used to have of containment, react and mutually assured destruction went out the window on 9/11. Lord, it probably went out earlier, we just did not get it.

We need now to be able to detect in order to prevent, and our intelligence community needs the capability and the tools so they can detect and prevent.

We are not going to be able to harden a subway site, a bus station, a train station. We can have more people, dogs, cameras, lights, we can do a lot

of things to help, but we cannot stop it unless we have the tools. We do not want to use the criminal means to go after terrorists because you have to wait until the crime has been committed. We want to prevent not a crime from being committed; we want to prevent a terrorist attack from being committed. So give them the tools.

The PATRIOT Act does it. We have seen it operate for 4 years. It has been amazing how well it has operated.

When people talk about libraries, why in the world would we want to make a library a free terrorist zone? We allow our forces to go in for a crime in a library. Why should they not be allowed to go in for a terrorist issue?

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the devastation of 9/11 shook our collective consciousness to the core; but it should not have shattered the foundation that defines who we are as a people and serves as a beacon of individual rights and liberties throughout the world.

Our Nation has been able to overcome the challenges of the past by proving to ourselves and to the world around us that our rights and our values are the indispensable conditions of being an American. If we allow the threat of fear and terror to undermine our civil liberties, we will have failed not only the Founding Fathers who bestowed upon us the philosophical foundations of this great Nation, but more importantly, we will have failed the future of America as the last great hope of mankind.

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Mr. Chairman, an unforeseen consequence of these infringements on American citizens' civil liberties is the erosion of our standing as the international leader of the rights of people. With each fundamental mistreatment of our own citizenry, we broadcast an image around the world that will, in fact, come back to haunt us. We will become what we deplore: a hypocritical pseudo-democracy of freedoms granted from the government down instead of from the people up.

Mr. Chairman, do not rewrite our precious Bill of Rights. Vote against this bill just as our Founding Fathers would have.

Mr. HOEKSTRA. Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I voted for the first PATRIOT Act, and I strongly supported the creation of the Homeland Security Department and have voted for every large increase in intelligence, homeland security funding, and defense funding.

But I am very troubled here. I am very troubled by the fact that we are