I thank the gentleman for yielding.

I rise in opposition to this extension of the expiring provisions of

the Patriot Act and the Intelligence Reform and Terrorism Prevention

Act.

I cannot support this extension when the House has done nothing to

consider these provisions, or possible reforms, or even to hold a

hearing or a markup. While in the past, Members have had the

opportunity to receive classified briefings, we have dozens of new

Members who have received no such briefings.

Section 215 authorizes the government to obtain ``any tangible

thing'' relevant to a terrorism investigation, even if there is no

showing that the ``thing'' pertains to suspected terrorists or

terrorist activities. It is sweeping in scope, and the government is

not required to show reasonable suspicion or probable cause before

undertaking investigation that infringes upon a person's privacy,

including the records of what he has read in the library. Congress

should either ensure that things collected with this power have a

meaningful nexus to suspected terrorist activity or allow the provision

to expire.

Section 206 provides for roving wiretaps which permit the government

to obtain intelligence surveillance orders that identify neither the

person nor the facility to be tapped. This is supposedly to update the

law to deal with portable cell phones and the like and other modern

technology, but it goes too far. Without the necessity to specify

either the person or the facility to be tapped, this is, for all

practical purposes, a general grant of authority to wiretap anyone and

anywhere the government wants. There are almost no limits to this

authority and no requirement that the government name a specific

target. This is very akin to the old British general Writs of

Assistance which engendered the first colonial outrage that led to the

American Revolution.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act

of 2004, the so-called lone wolf provision, permits secret intelligence

surveillance of non-U.S. persons whose are concededly not affiliated

with a foreign government or organization. According to government

testimony, this provision has never been used, yet it remains on the

books. It has never been used because there is ample other authority to

do that in any event.

Surveillance of an individual who is not working with a foreign

government or organization is not what we normally understand as

foreign intelligence. There may be many good reasons for government to

keep tabs on such people, but that is no reason to suspend all our laws

under the pretext that this is a foreign intelligence operation.

While some have argued that each of these authorities remain

necessary tools in the fight against terrorism and that they must be

extended without any modifications, others have counseled careful

review and modification. Some have even urged that we allow some or all

of these authorities to sunset. I believe we should not miss the

opportunity to review the act in its entirety, to examine how it is

working, where it has been successful, where it has failed, where it

goes too far, and where it may need improvement. That is the purpose of

sunsets, and to extend it without review undermines that purpose.

I have also introduced the National Security Letters Reform Act,

which would make vital improvements to the current law in order to

better protect civil liberties while ensuring that NSLs remain a useful

tool in national security investigations. I hope we can work to strike

that balance in a responsible and effective manner, but the record of

the abuse of the NSL authority is too great for the Congress to ignore.

I realize the majority has the votes to extend these provisions. I

hope we will be able, after this vote, to examine carefully the way

these provisions have been used or abused, and to look at ways to

reform the law in light of experience. That was the purpose of sunsets,

and I hope we can take advantage of that opportunity.