I thank the distinguished chairman and the

ranking member of this committee.

I want to remind my colleagues of a singly important moment when

those of us who were Republican and Democrat came together after 9/11,

and out of this Judiciary Committee came a singular initiative that

dealt with the crisis which we are facing.

I have in my hand the Constitution; and I am reminded that when the

Founding Fathers came together and declared that we all were created

equal, they, too, were concerned about treason, spying, the undermining

of government, and maybe even the threat of violence. As we well know

how this country came into being, we had to fight a war; yet they had

in this Constitution the rights of the Fourth Amendment that we would

be protected against unreasonable search and seizure; a Fifth Amendment

of due process; and they believed that Americans should be protected.

This bill, however, comes to the floor again without amendments. And

I'm very proud to say that over the series of my tenure on the

Judiciary Committee I have submitted very vital and important

amendments to protect the civil liberties of Americans, as well as to

recognize the responsibility of all of us to secure this Nation.

I'm a member of the Homeland Security Committee. I am not unmindful

of the everyday threats that we receive, but this bill would extend

provisions that were created in 2005, that also were included in the

intelligence reform bill. It extends a provision that allows for a

roving electronic surveillance authority and a provision revising the

definition of an ``agent of foreign power'' to include any non-U.S.

person who engages in international terrorism or preparatory

activities, also known as the ``lone wolf,'' without protections. As a

member of Homeland Security, I recognize that that is vital, but there

needs to be a variety of protections. The other provisions, of course,

are ones that invade privacy and create a lack of recognition that we

have a Constitution to abide by.

So I would ask my colleagues as we move on this legislation to

remember it has not been amended; remember we have lived under a

Constitution that protects civil liberties; and also remember it took a

lawsuit to allow someone to say they had gotten a national security

letter.

We must do things in a constitutional manner, Mr. Speaker; and I

would argue we're not doing it in this legislative initiative. I ask my

colleagues to vote ``no'' on this legislation; go back to the Judiciary

Committee and abide by the Constitution.

Mr. Speaker, I rise today to express my opposition to the H.R. 514,

``To extend expiring provisions of the USA PATRIOT Improvement and

Reauthorization Act of 2005 and Intelligence Reform and Terrorism

Prevention Act of 2004 relating to access to business records, and

individual terrorists as agents.''

This bill would extend provisions of the USA PATRIOT Improvement and

Reauthorization Act of 2005, and the Intelligence Reform and Terrorism

Prevention Act of 2004 through December 8, 2011. It extends a provision

that allows a roving electronic surveillance authority, and a provision

revising the definition of an ``agent of a foreign power'' to include

any non-U.S. person who engages in international terrorism or

preparatory activities, also known as the ``lone wolf provision.'' It

also grants government access to business records relating to a

terrorist investigation.

As a member of the Homeland Security Committee, I understand and

appreciate the importance of national security, and the challenges we

face as we strive to protect our nation from foreign threats. However,

as an American citizen, I am deeply concerned when our Constitutional

rights run the risk of being infringed upon in the name of national

security.

To win the war on terror, the United States must remain true to the

founding architects of this democracy who created a Constitution which

enshrined an inalienable set of rights. These Bills of Rights guarantee

certain fundamental freedoms that cannot be limited by the government.

One of these freedoms, the Fourth Amendment, is the right of the people

to be secure in their persons, houses, papers, and effects against

unreasonable searches and seizures.

We do not circumvent the Fourth Amendment, or any other provision in

the United States Constitution, merely because it is inconvenient.

While the PATRIOT Act is intended to improve our ability to protect our

nation, it needs to be revised and amended to reflect the democratic

principles that make this country the crown jewel of democracy. The

bill before us today, however, does not do that. In fact, even the

manner by which are even considering this bill, only days after

introduction without any oversight hearings of mark-ups, circumvents

the process we have in place to allow for improvements and amendments

to be made.

Furthermore, this bill was considered last year in the 111th

Congress, and went through oversight hearings and two days of mark-up

in the Judiciary Committee. Yet, none of those voted-on, bipartisan

amendments that resulted from those hearings are included in this bill.

In those hearings, multiple concerns were raised about the breadth of

the PATRIOT Act and the leeway it gives to infringe upon an

individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow

for greater transparency in the PATRIOT Act and enhanced protection

against violation of individuals' civil liberties. None of my

amendments, or those introduced by any of my colleagues, are included

in this legislation. None of the privacy concerns or civil liberty

infringement issues that were raised in those hearings have even been

addressed. I am deeply concerned that my colleagues on the other side

of the aisle are considering overlooking the very valid concerns of the

American people, without so much as a hearing.

We have been faced with this type of legislation before. On August 3,

2007, I stood before you on the House floor discussing the Foreign

Intelligence Surveillance Act, FISA, another piece of law essential to

combating the war on terror, but one that was in need of improvements

to protect Americans' constitutionally enshrined civil liberties. On

that day, I said that, ``we must ensure that our intelligence

professionals have the tools that they need to protect our Nation,

while also safeguarding the rights of law-abiding Americans,'' and I

stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns

around secret surveillance and secret searches, which were kept

permanently secret from the Americans whose homes and conversations

were targeted. There were also concerns such secret searches intended

for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American

is done through established legal procedures pursuant to FISA and the

FISA court authority, and to ensure that the Foreign Intelligence

Surveillance Court is indispensable and would play a meaningful role in

ensuring compliance with our Constitution. I stand here today urging my

colleagues to consider allowing similar amendments to the PATRIOT Act

that better protect Americans' right to privacy before moving this

legislation out of the House of Representatives and onto the other

legislative body.

The three expiring provisions of the PATRIOT Act that H.R. 514 would

extend overstep the bounds of the government investigative power set

forth in the Constitution. One provision authorizes the government to

obtain ``any tangible thing'' relevant to a terrorism investigation,

even if there is no showing that the ``thing'' pertains to suspected

terrorists or terrorist activities. This provision, which was addressed

in the Judiciary Committee during the 111th Congress, runs afoul of the

traditional notions of search and seizure, which require the government

to show ``reasonable suspicion'' or ``probable cause'' before

undertaking an investigation that infringes upon a person's privacy.

Congress must ensure that things collected with this power have a

meaningful nexus to suspected terrorist activity. If we do not take

steps to improve this provision, then it should be allowed to expire.

Another provision, known commonly as the ``roving John Doe wiretap,''

allows the government to obtain intelligence surveillance orders that

identify neither the person nor the facility to be tapped. Like the

first provision, this, too, was addressed in the Judiciary Committee

during the last Congress, and is also contrary to traditional notions

of search and seizure, which require government to state ``with

particularity'' what it seeks to search or seize. If this provision

were given the opportunity to be amended and improved, it should be

done so to mirror similar and longstanding criminal laws that permit

roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the ``lone wolf'

provision, which permits secret intelligence surveillance of non-U.S.

persons who are not affiliated with a foreign organization. This type

of authorization, which is only granted in secret courts, is subject to

abuse, and threatens our longtime understandings of the limits of the

government's investigatory powers within the borders of the United

States. Moreover, according to government testimony, this provision has

never been used. Because of the potential for abuse created by this

provision, and the lack of need for its existence, it, too, should be

allowed to expire.

All three of these provisions have been examined and amended in the

past because they were in dire need of improvements to protect the

rights of Americans. I was against these provisions, as written, in the

past, and without amendments, I am still against them today.

Finally, H.R. 514 fails to amend other portions of the PATRIOT act in

dire need of reform, specifically, those issues relating to the

issuance and use of national security letters, NSLs. NSLs permit the

government to obtain the communication, financial and credit records of

anyone deemed relevant to a terrorism investigation even if that person

is not suspected of unlawful behavior. I repeat, even if that person is

not suspected of unlawful behavior.

As an American citizen, the security and safety of my constituency is

pinnacle, but I will never stand for legislation that infringes on the

basic rights afforded in our Constitution. When our founding fathers

drafted the Constitution, after living under an oppressive regime in

Britain, they ensured that the American people would never experience

such subjugation. Where are the protective measures for our citizens in

the PATRIOT act? Why are the measures addressed in the last Congress

not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct

robust, public oversight of all surveillance tools and craft reforms

that will better protect private communications from overbroad

government surveillance.

There is nothing more important than providing the United States of

America, especially our military and national security personnel, the

right tools to protect our citizens and prevail in the global war on

terror. Holding true to our fundamental constitutional principles is

the only way to prove to the world that it is indeed possible to secure

America while preserving our way of life.

Because of the negative privacy implications of extending all of

these provisions, I ask my colleagues to please join me in opposing

H.R. 514, a bill to extend expiring provisions of the USA PATRIOT

Improvement and Reauthorization Act of 2005 and Intelligence Reform and

Terrorism Prevention Act of 2004 relating to access to business

records, and individual terrorists as agents.