

Gonzales, it is the United States of America.

In America, we do not allow Alberto Gonzales to listen to our phone conversations while we are sitting in our living room talking to our daughter anywhere in the world without judicial review, and that's what this bill does.

In America, we do not allow Alberto Gonzales to intercept our e-mail conversations to our business partners anywhere in the world without some kind of judicial review. In America, we have that concept because we understand people who can make mistakes.

I base my principle on fundamental tenet that the Americans trust the United States Constitution more than they trust Alberto Gonzales. What Benjamin Franklin said still holds true, those who would give up essential liberty to purchase a little temporary safety deserve neither liberty and safety. He was right then. He is right now.

Don't pass this bill. Come back and have something that allows surveillance with protections from our judicial system.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. I remember after 9/11 how there was a lot of finger pointing as to who made mistakes and who caused it, where was the intelligence community, where were our defenses?

Isn't that what this is all about, trying to put in place mechanisms to ensure and to allow our intelligence community to stop another attack? Isn't this what it's all about to protect the American people and not to have so many police officers and firefighters rush into a burning and collapsing building?

Just remember one thing. On 9/11, aside from a tragedy that occurred that day, about 3,000 kids lost a parent, 450 kids on Staten Island alone. Just think of how many missed birthdays there are, missed weddings, missed graduations, 3,000 kids lost a parent because of what happened on that day.

Shouldn't we be standing united to ensure that not one more kid in this country loses their parents because some terrorist wants to blow up a building in this country? Shouldn't we err on the side of giving our folks the power to stop that?

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to Mr. SCOTT of Virginia, the chairman of the Crime, Terrorism, an Homeland Security Subcommittee on Judiciary.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, last night we considered a bill that the Director of National Intelligence said provided everything we needed. We didn't pass that bill, and here we are today.

This bill, unfortunately, does more than what's needed. It really lets the Director of National Intelligence and

the Attorney General to kind of use their imagination to decide when surveillance is appropriate without any meaningful review.

This bill will allow warrantless collection of personal data, e-mails, Internet usage, and allows the Attorney General and the Director of National Intelligence to do data mining, Internet usage monitoring, reading e-mails or otherwise acquiring information on every American, even domestic communications, as long as they determine that the surveillance is gathering foreign intelligence, that's not terrorism information, that's anything involving diplomacy, concerning someone abroad, not someone who is abroad. It could be a conversation, if the conversation concerns someone abroad. It's helpful just to read the language of the bill.

Section 105(b)(a), notwithstanding any other law, the Director of National Intelligence and the Attorney General may, for periods of up to 1 year, authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and Attorney General determine, based on information, so on and so forth, that, among other things, that the information that they are gathering is that a significant purpose is the acquisition of foreign intelligence, doesn't even have to be the main purpose, just a significant purpose.

There is no meaningful oversight. They just have to determine that and put it in writing. Then they can listen in.

In terms of the reverse targeting, the language that the gentleman used makes it clear that if they are talking to somebody outside, they can listen to someone domestically.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to a valued member of the committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, just briefly to the gentleman from Virginia's point, the very next section on that page says this does not include electronic surveillance.

The operative part of this bill is a short paragraph which essentially brings up the checks and balances that were originally in the 1978 FISA and brings it up to 2007 technology. That is what's going on here.

Now, there are some people who do not agree with the checks and balances that were in the 1978 FISA. Some people think it went too far one way, some people think it went too far another way.

This bill does not touch that. What it does is it just brings up those same checks and balances with the way we communicate today, and the way that technology has changed.

Mr. Speaker, I think it's important to emphasize what's going on here. Information is the critical element, which allows us to defend the country, which allows troops to operate in the

field, which allows Homeland Security folks of all sorts to defend us against terrorism.

We are not collecting, today, the information we were able to collect a short while ago. Most of us would agree, not all of us, but most of us would agree it's information we should be collecting from foreign targets in foreign countries. The heart of the problem is a law that has not kept up with technology.

Now, there have been efforts for many months in this Chamber to try to update that law. Last September, the gentlelady from New Mexico (Mrs. WILSON) had a bill which passed this House, which was a comprehensive bill, more than 40 pages, that tried to fix this law.

Unfortunately, that did not get signed into law and the chairman of Intelligence Committee says that we are going to get back to that more comprehensive view. But while we are waiting for that, the danger persists, and the danger grows.

Now we have a very small bill, just a few pages, that tries to close the gap between the intelligence we need to keep us safe and the intelligence we are getting. It doesn't do everything, it doesn't do nearly as much as I would like to do, but it does close the gap at a critical time.

It's important, even with that limited bill, it's important to get the details right. That's why, for all of the talk we have heard about what the Director of National Intelligence has or has not said, the only thing we have in writing is the bill we considered last night did not enable him to do his job, but he says this bill will.

Mr. Speaker, I wish passing this bill would guarantee we will not suffer another terrorist attack. It won't, but it will provide a significant step towards getting the information we need and the information that the troops in the field need. It's worth passing tonight.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the former speaker indicated that I didn't read the whole section where he said that acquisition does not constitute electronic surveillance. That's true, it doesn't include wiretap, but it does include searches, e-mail review, all kinds of data mining so long as it's not electronic surveillance.

This is overly broad. It can happen in the United States so long as it concerns someone we reasonably believe to be outside of the United States. It doesn't even have to be the primary purpose of the search. It can be a significant purpose of the search.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the former ranking member of the Intelligence Committee, Ms. HARMAN.

Ms. HARMAN. I thank the gentleman for yielding and commend him for his steadfast protection of civil liberties in this country.

Mr. Speaker, in June, I received the CIA Seal Medal, the Agency's highest