There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. NADLER. Mr. Speaker, I offer a privileged resolution (H. Res. 324) as to a question of the privileges of the House and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 324

Resolution disapproving the manner in which Representative Sensenbrenner has responded to the minority party's request under rule XI of the House of Representatives for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act and the manner in which such hearing was conducted.

Whereas Representative Sensenbrenner willfully and intentionally violated the Rules of the House of Representatives by abusing and exceeding his powers as chairman;

Whereas subsequent to receiving a request for an additional day of hearings by members of the minority party pursuant to rule XI, Representative Sensenbrenner scheduled such hearing on less than 48 hours notice;

Whereas such hearing occurred on Representative Sensenbrenner's directive at 8:30 a.m., on Friday, June 10, 2005, a date when the House was not in session and votes were not scheduled;

Whereas Representative Sensenbrenner directed his staff to require that the witnesses' written testimony be made available on less than 18 hours notice;

Whereas, during the course of the hearing, Representative Sensenbrenner made several false and disparaging comments about members of the minority party in violation of rule XVII;

Whereas, Representative Sensenbrenner failed to allow members of the committee to question each witness for a period of 5 minutes in violation of rule XI;

Whereas Representative Sensenbrenner refused on numerous and repeated occasions throughout the hearing to recognize members of the minority party attempting to raise points of order;

Whereas when Representative Nadler and Representative Jackson-Lee sought recognition to raise a point of order, Representative Sensenbrenner refused to recognize Representative Nadler or Representative Jackson-Lee, and intentionally and wrongfully adjourned the committee without obtaining or seeking either unanimous consent or a vote of the committee members present in violation of rule XVI;

Whereas subsequent to Representative Sensenbrenner's improper adjournment of the hearing, his staff turned off the microphones and the electronic transmission of the proceedings and instructed the court reporter to stop taking transcription, even though the committee hearing had not been properly adjourned, and members of the minority party had invited witnesses to continue to speak; and

Whereas Representative Sensenbrenner willfully trampled the right of the minority to meaningfully hold an additional day of hearings in violation of the Rules of the House of Representatives, and brought discredit upon the House of Representatives: Now, therefore, be it

Resolved, That

(1) the House strongly condemns the manner in which Representative Sensenbrenner has responded to the minority party's request for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act, and the manner in which such hearing was conducted; and

(2) the House instructs Representative Sensenbrenner, in consultation with Representative CONYERS, to schedule a further day of hearings with witnesses requested by members of the minority party concerning the reauthorization of the USA PATRIOT Act.''

□ 2100

The SPEAKER pro tempore (Mr. THORNBERRY). The resolution presents a question of the privileges of the House.

Under the previous order of the House, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with regret that I must rise again to invoke the privileges of the House and to defend the rules and the spirit of simple courtesy and cooperation. I do not enjoy taking the time of this House away from our important business to do so; but recent events, the willful and repeated disregard for the rules of the House, the persistent abuse of power by the chairman of the Judiciary Committee, and the flagrant abuse of the rights of the minority make this resolution necessary.

As I said the last time I came to the floor for this purpose, it is my fervent hope that this will be the last time it will ever be necessary for me or any other Member to offer such a resolution or to rise on a question of personal privilege. We should be spending our time dealing with the problems and concerns of the American people; but when a chairman abuses his power to stifle debate, Members of this House, both Republicans and Democrats, have a duty to defend the honor of this institution and the integrity of its proceedings. So long as power is abused, rules are ignored and broken and the rights of Members who represent millions of Americans are violated, this House cannot do its job properly. The American people are cheated of their right to an honest, open, fair, and democratic debate on issues affecting the future of our Nation. That is why we are here again today.

These are the facts: the minority is entitled by the rules to a day of hearings. It is a right rarely exercised, but it guards against the majority abusing its power to exclude competing views. Call it the fair and balanced rule. It is not the chairman's right to determine whether we deserve, in quotes, a hearing. It is not the chairman's right to decide whether his prior hearings were sufficient. It is not the chairman's right to decide whether what we say or think is acceptable or relevant. And it is certainly never the chairman's right to violate the rules in order to interfere with our right to conduct the hearing guaranteed to us by the rules.

The chairman is entitled to his opinions. He is not entitled to break the rules, to abuse his power and to impose his will. The chairman as a general rule permits only one minority witness in each committee or subcommittee hearing of the Judiciary Committee. I know of no other committee with this sort of restrictive rule. No matter what the issue, no matter how complex, no matter how many perspectives there might be, the chairman does not allow more than one minority witness.

On that basis alone, we have every right to insist on a day of hearings every time, a day of minority hearings, but we do not. Of course, that is when he allows hearings at all. In this Congress alone, the chairman has decided that we do not need hearings on such important issues as amendments to the Constitution, alleged mistreatment of detainees, and a rewrite of our bankruptcy code. These are hardly isolated cases. Is that the way we are supposed to do our job? No need for a hearing, the chairman wants to do it, so let's just do it. We do not need a hearing to look at the facts.

Members under the rules have the right to question each witness for 5 minutes apiece. We checked with the Parliamentarian. That is 5 minutes for each member for each witness. Yet the chairman repeatedly refused to recognize members. He consistently and abusively cut off members and witnesses in mid-sentence. It is the chairman's custom, to which we have not objected, to be fairly strict and after the 5 minutes are over to say, finish your thought or make your answer brief. That is fine.

In this hearing, because it was a minority-called hearing, he consistently cut off members and witnesses in midsentence, and rather rudely. In one case, when a member of the majority accused a witness of endangering American lives, the chairman refused the witness the opportunity to respond. Of course, the chairman did not limit himself to 5 minutes. He recognized himself for an additional 5 minutes toward the end of the hearing in order to deride the witnesses and the minority members of the committee without allowing any response.

Every Member of this House, Mr. Speaker, serves on committees and every Member of this House knows that this kind of abusive behavior is virtually unheard of. Witnesses should be treated with respect. So should colleagues. I thought we all knew that. The chairman refused to recognize members who were seeking recognition. He refused to recognize members who were attempting to raise points of order. Unacceptable. A clear violation of the rules. A plain abuse of power.

The chairman simply ended the hearing unilaterally. While members were seeking recognition and attempting to raise points of order, he simply ignored

them and banged the gavel and got up from his seat. The rules require a motion to adjourn because hearings are not normally ended unilaterally by a chairman. We consulted with the House Parliamentarian who confirmed that an adjournment motion must be approved by the members of the committee unless there is unanimous consent. The fact that adjournment is not normally contested because it is not necessary because everybody agrees does not change the rules.

After the chairman unilaterally adjourned the hearing, while members were seeking recognition, while he refused to recognize those members seeking to raise points of order, the committee staff, either on the chairman's instructions or acting on their own accord, switched off members' microphones while we were attempting to speak, instructed the stenographer to stop recording the hearing and turned off the electronic transmission of the hearing. Again, the hearing was still proceeding because it had not been legally adjourned because there had been no vote and no unanimous consent. Thanks to C–SPAN, the rest of the hearing was recorded and broadcast so the chairman was unable to censor the minority and hide our thoughts from the American people, although he tried.

Can any Member recall a time when a member's microphone was turned off while he or she was speaking in a committee meeting? Mr. Speaker, it is fair to ask, why should a member of the majority or the public care about adherence to the rules in these respects or about the rights of the minority? The answer is simple. Every Member represents more than half a million American citizens. Every one of those Americans is entitled to a voice in our government. No one should ever be allowed to abuse the power of his office to silence opposing views or to disenfranchise millions of Americans from having their views represented simply because they chose representatives of the minority party.

The greatness of our Nation is our freedom to stand up for what we believe and to have everyone's voice heard in the halls of government. The arrogance of power, the abuse of power, the silencing of minority voices, is a direct threat not only to our rules but to our democracy and to our freedom. The rules of this House exist to protect our democracy. Every Member of this House, regardless of party, must stand up for this institution, for its rules, and for the democracy it represents.

That is why I urge the adoption of this resolution and why I hope such a resolution will never again be necessary in this House.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

I strongly oppose this resolution because it does not state what the facts are relative to the Judiciary Committee's consideration of the PATRIOT Act. I rise today to respond to false, misleading, and malicious allegations that have been made by Members of this House and reported in the media concerning the conduct of the Judiciary Committee's June 10 hearing on the reauthorization of the USA PATRIOT Act and my consideration of the PATRIOT Act as chairman of the Committee on the Judiciary.

Since becoming chairman of this committee in January 2001, I have consistently demonstrated a commitment to fair and equitable consideration of issues before the committee. Perhaps no other issue better demonstrates this commitment than the committee's response to the tragic events of September 11, 2001. Shortly following the attacks, I called a committee hearing to draft antiterrorism legislation at which the Attorney General and other top officials of the Justice Department testified. At that meeting, I pledged to work with the minority to draft bipartisan legislation to help detect, deter, and defeat terrorist threats to our Nation's security.

Since that time, the record clearly demonstrates that I have kept my word by conducting bipartisan and even-handed consideration of this critical issue.

In October of 2001, the committee unanimously approved the PATRIOT Act by a vote of 36–0. I was enormously proud of this vote because it proved that a committee comprising sharply diverging viewpoints could speak in a clear and united voice on an issue of overwhelming importance to the security, safety, and liberty of all Americans. When drafting this legislation, I also insisted that provisions expanding the scope of Federal authority be subject to congressional reauthorization. I included sunsets in these provisions because I strongly believe that Congress must play an active and continuing role in ensuring that the PATRIOT Act protects the safety and security of all Americans while preserving the freedom and liberty that distinguish us as Americans.

To ensure that the PATRIOT Act is being implemented in a manner that reflects the priorities of Congress, on multiple occasions Ranking Member CONYERS and I have sent detailed, extensive, and bipartisan inquiries to the Department of Justice concerning the implementation of the legislation.

□ 2115

When the Justice Department did not fully respond to one set of detailed inquiries, I forcefully asserted the committee's prerogatives by raising the possibility of a committee subpoena to obtain the requested information.

The committee has conducted several hearings on matters related to the PATRIOT Act, at which senior administration officials have testified. At my request committee members have also received briefings on the implementation of the PATRIOT Act from senior law enforcement officials.

On March 28 of this year, the gentleman from Michigan (Mr. CONYERS), ranking member, and I jointly announced a series of hearings on the reauthorization of the PATRIOT Act. We made this announcement in the same spirit of bipartisanship that has typified the committee's consideration of this issue since the committee's first hearing on this subject following September 11. While the primary focus of this series of hearings has been to examine provisions in the PATRIOT Act that are set to expire at the end of this year, the scope of these hearings has been broadened to include provisions of the PATRIOT Act that will not sunset, and issues that are only tangentially related to PATRIOT Act have also received formal committee consideration at the request of the minority.

The record clearly proves that I have worked in a bipartisan manner to ensure that the committee has received testimony from an array of knowledgeable witnesses of diverging viewpoints, and that members had the opportunity to address questions to each of them. And at this time I include in the RECORD a listing of the oversight activities and a chronology of the hearing record that has been held since April before the Committee on the Judiciary and its subcommittees.

OVERSIGHT: HOUSE JUDICIARY COMMITTEE OVERSIGHT OF THE USA PATRIOT ACT

OVERSIGHT THROUGH LETTERS TO THE DEPARTMENT OF JUSTICE

House Judiciary Committee sent the Attorney General, John Ashcroft, a letter on June 13, 2002, with 50 detailed questions on the implementation of the USA PATRIOT Act. The questions were a result of extensive consultation between the majority and minority Committee counsel. Assistant Attorney General, Daniel Bryant, responded to Chairman Sensenbrenner and Ranking Member Mr. Conyers on July 26, 2002, providing lengthy responses to 28 out of the 50 questions submitted. On August 26, 2002, Mr. Bryant sent the responses to the remaining questions, after sending responses to six of the questions to the House Permanent Select Committee on Intelligence. Then, on September 20, 2002, Mr. Bryant sent the minority additional information regarding the Department of Justice's responses to these questions.

On April 11, 2003, Chairman Sensenbrenner and Ranking Member Mr. CONYERS sent a second letter to the Department of Justice with additional questions regarding the use of pre-existing authorities and the new authorities conferred by the USA PATRIOT Act. Once again, the questions were the product of bipartisan coordination by Committee counsel. Acting Assistant Attorney General, Jamie E. Brown, responded with a May 13, 2003 letter that answered the questions she deemed relevant to the Department of Justice and forwarded the remaining questions to the appropriate officials at the Department of Homeland Security on June 13, 2003, the Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, sent responses to the forwarded questions.

On November 20, 2003, Chairman Sensenbrenner and Congressman Hostettler, Chairman of the Subcommittee on Immigration,

Border Security, and Claims, sent a letter to the Comptroller General of the Government Accountability Office (GAO) requesting a GAO study of the implementation of the USA PATRIOT Act anti-money laundering provisions. This report was released on June 6, 2005.

OVERSIGHT THROUGH HEARINGS

On May 20, 2003, the Committee's Subcommittee on the Constitution held an oversight hearing entitled, ''Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks.'' On June 5, 2003, the Attorney General testified before the full Committee on the Judiciary at an oversight hearing on the United States Department of Justice. Both the hearing on May 20 and the hearing on June 5 discussed oversight aspects of the USA PATRIOT Act.

OVRSIGHT THROUGH BRIEFINGS

The Subcommittee on Crime, Terrorism, and Homeland Security of this Committee requested that officials from the Department of Justice appear and answer questions regarding the implementation of the USA PATRIOT Act. In response to our request, the Department of Justice gave two separate briefings to Members, counsel, and staff:

During the briefing held on August 7, 2003, Department officials covered the long-standing authority for law enforcement to conduct delayed searches and collect business records, as well as the effect of the USA PATRIOT Act on those authorities.

During the second briefing, held on February 3, 2004, the Department of Justice discussed its views of S. 1709, the ''Security and Freedom Ensured (SAFE) Act of 2003'' and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act.

The Department of Justice has also provided three classified briefings on the use of the Foreign Intelligence Surveillance Act (FISA) under the USA PATRIOT Act for Members of the Judiciary Committee:

On June 10, 2003, October 29, 2003, and June 7, 2005 the Justice Department provided these briefings.

The Department also provided a law enforcement sensitive briefing on FISA to the House Judiciary Committee Members and staff on March 22, 2005.

HEARING CHRONOLOGY: HOUSE JUDICIARY COMMITTEE CONSIDERATION OF THE USA PATRIOT ACT

FULL COMMITTEE CONSIDERATION

June 10, 2005: Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Carlina Tapia-Ruano, First Vice-President of the American Immigration Lawyers Association (Minority witness); Dr. James J. Zogby, President of the Arab American Institute (Minority witness); Deborah Pearlstein, Director of Human Rights First (Minority witness); and Chip Pitts, Chair of the Board of Amnesty International USA; Minority Members Present: Conyers, Jackson-Lee, Nadler, Scott, Van Hollen, Wasserman Shultz, Watt.

June 8, 2005: Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Deputy Attorney General James B. Comey; Minority Members Present: Berman, Conyers, Delahunt, Lofgren, Nadler, Scott, Wasserman, Shultz, Waters.

April 6, 2005: Oversight Hearing on the Department of Justice, The Use of the Law Enforcement Authorities Granted under the USA PATRIOT Act: Attorney General Alberto Gonzales; Minority Members Present: Berman, Conyers, Delahunt, Jackson-Lee, Lofgren, Nadler, Schiff, Scott, Van Hollen, Watt, Weiner.

SUBCOMMITTEE CONSIDERATION

May 26, 2005: Oversight Hearing on Material Witness Provisions of the Criminal Code and the Implementation of the USA PATRIOT Act: Section 505 that Addresses National Security Letters and Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad: Chuck Rosenberg, Chief of Staff to the Deputy Attorney General of the Department of Justice (Majority witness); Matthew Berry, Counselor to the Assistant Attorney General of the Department of Justice (Majority witness); Gregory Nojeim, Acting Director of the Washington Legislative Office of the American Civil Liberties Union (Minority witness); and Shayana Kadidal, Staff Attorney, Center for Constitutional Rights (Minority witness); Minority Members Present: Conyers, Delahunt, Nadler, Scott, Waters.

May 10, 2005: Oversight Hearing on the Prohibition of Material Support to Terrorists and Foreign Terrorist Organizations and on the DOJ Inspector General's report on Civil Liberty Violations under the USA PATRIOT Act: Honorable Glenn Fine, Inspector General of the Department of Justice (Majority witness); Honorable Gregory G. Katsas, Deputy Assistant Attorney General, Civil Division of the Department of Justice (Majority witness); Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); and Ahilan Arulanantham, Staff Attorney for the American Civil Liberties Union of Southern California (Minority witness); Minority Members Present: Delahunt, Scott, Waters.

May 5, 2005: Oversight Hearing on section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb: Honorable William Moschella, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice (Majority witness); Willie Hulon, Assistant Director of the Counterterrorism Division, Federal Bureau of Investigation (Majority witness); Professor Orrin Kerr, Professor of Law at the George Washington University Law School (Majority witness); and James X. Dempsey, Executive Director of the Center for Democracy and Technology Minority witness); Minority Members Present: Conyers, Delahunt, Jackson-Lee, Scott.

May 3, 2005: Oversight Hearing on Sections 201, 202, 213, and 223 of the USA PATRIOT Act and Their Effect on Law Enforcement Surveillance: Honorable Michael J. Sullivan, US. Attorney for the District of Massachusetts (Majority witness); Chuck Rosenberg, Chief of Staff to the Deputy Attorney General (Majority witness); Heather Mac Donald, John M. Olin fellow at the Manhattan Institute (Majority witness); and the Honorable Bob Barr, former Representative of Georgia's Seventh District (Minority witness); Minority Members Present: Delahunt, Scott.

April 28, 2005: Oversight Hearing—Section 218 of the USA PATRIOT Act—If it Expires will the ''Wall'' Return?: Honorable Patrick Fitzgerald, U.S. Attorney for the Northern District of Illinois (Majority witness); David Kris, former Associate Deputy Attorney General for the Department of Justice (Majority witness); Kate Martin, Director of the Center for National Security Studies (Minority witness); and Peter Swire, Professor of Law at Ohio State University (Minority witness); Minority Members Present: Jackson-Lee, Scott.

April 28, 2005: Oversight Hearing—Have sections 206 and 215 improved FISA Investigation: Honorable Kenneth L. Wainstein, U.S. Attorney for the District of Columbia Majority witness); James Baker, Office for Intelligence Policy and Review (Majority witness); Robert Khuzami, former Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York (Majority witness); and Greg Nojeim, the Associate Director and Chief Legislative Counsel of the American Civil Liberties Union's Washington National Office (Minority witness); Minority Members Present: Conyers, Delahunt, Jackson-Lee, Scott, Waters.

April 26, 2005: Oversight Hearing—Have sections 204, 207, 214 and 225 of the USA PATRIOT Act, and Sections 6001 and 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, improved FISA Investigations?: Honorable Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania (Majority witness); James Baker, Office for Intelligence Policy and Review, U.S. Department of Justice (Majority witness); and Suzanne Spaulding, Managing Director, the Harbour Group, LLC (Minority witness); Minority Members Present: Conyers, Delahunt, Scott.

April 21, 2005: Oversight Hearing on Crime, Terrorism, and the Age of Technology—Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications; and Section 220: Nationwide Service of Search Warrants for Electronic Evidence: Laura Parsky, Deputy Assistant Attorney General of the Criminal Division, U.S. Department of Justice (Majority witness); Steven M. Martinez, Deputy Assistant Director of the Cyber Division, Federal Bureau of Investigation (Majority witness); James X. Dempsey, Executive Director of the Center for Democracy and Technology (Majority witness as a favor to Minority); and Peter Swire, Professor of Law, Mortiz College of Law, the Ohio State University (Minority witness); Minority Members Present: Delahunt, Jackson-Lee, Scott, Waters.

April 19, 2005: Oversight Hearing on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing: Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); Maureen Baginski, Executive Assistant Director of FBI Intelligence (Majority witness); Congressman Michael McCaul (Majority witness); and Timothy Edgar, the National Security Policy Counsel for American Civil Liberties Union (Minority witness); Minority Members Present: Delahunt, Scott, Waters.

Mr. Speaker, by scheduling 12 hearings on the reauthorization of the PATRIOT Act during this Congress, in addition to the bipartisan record established in previous Congresses, I have proven my commitment to conducting rigorous and comprehensive oversight of the implementation of the PATRIOT Act. Since commencing this latest series of hearings in April, two top officials at the Justice Department, Attorney General Gonzales and his Deputy James Comey, have testified before the committee on separate occasions. In each of the nine additional recent hearings held on the subject, the minority was allowed to designate at least one and sometimes two of the customary four witnesses at committee hearings, thus providing a consistent platform for additional and often dissenting views.

The record clearly demonstrates that this committee has engaged in a thorough, comprehensive, and bipartisan review of the PATRIOT Act since its passage. Assertions to the contrary are not only unfounded, they are plainly false, misleading, and malicious.

On June 8, 2005, the committee held a hearing on the ''Reauthorization of the

PATRIOT Act,'' at which Deputy Attorney General Comey testified. At the commencement of this hearing and without previous notice or consultation, the gentleman from Michigan (Mr. CONYERS), ranking member, and other minority members of the committee requested additional witnesses to testify before the committee on the ''Reauthorization of USA PATRIOT Act'' pursuant to House Rules.

House Rule XI(2)(j)(1) states: ''Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon.'' I complied with that request and set the additional hearing on June 10.

At the outset of this hearing, I reminded members and witnesses of the permissible scope of the hearing requested by the minority under House Rule XI by stating: ''It is the Chair's intention to limit the scope of the hearing to the topic that was chosen by the Democratic minority that called this hearing and chose the witnesses, which is the reauthorization of the PATRIOT Act. Members and witnesses are advised that questions and testimony not falling within the subject matter of the hearing chosen by the Democrats will not be included in the hearing record pursuant to House Rule XI.'' After reviewing the testimony of the witnesses, I again expressed my concern stating that, ''I am disturbed that some of the testimony that has been presented in written form by the witnesses today are far outside the scope of the hearing, which the Democratic minority called and which they set in their letter.''

Notwithstanding repeated reminders and admonitions concerning the permissible scope of the hearing under House Rules, the gentleman from Michigan (Mr. CONYERS), ranking member, and members of the minority invited witnesses to provide testimony and make statements clearly outside of the scope of the reauthorization of the PATRIOT Act.

For example, in his opening remarks, the gentleman from Michigan (Mr. CONYERS) stated: ''For many of us, this process of hearings is not merely about the extension of the 16 expiring provisions of the PATRIOT Act. It is about the manner in which our government uses its legal authority to prosecute the war against terror both domestically and abroad. As we hear from our witnesses today, I think we will demonstrate that much of this authority has been abused.''

My repeated reminders and admonitions about House Rules concerning the permissible scope of the hearing were ignored by witnesses and members of the committee.

In the face of this refusal by the witnesses and members to appropriately conform their testimony to the subject matter of the hearing requested by the minority, I exercised great patience in permitting witnesses and members to weigh in on issues totally unrelated to that subject. I recognized all four witnesses as well as each majority and minority member present at the hearing for 5 minutes. The record clearly shows that I evinced no favoritism in providing time either to witnesses or members.

At the conclusion of the hearing, when each witness and member had been provided equal time to raise questions, and the witnesses asked and received permission to submit their complete testimony into the hearing record, I expressed my great disappointment that opponents of the PATRIOT Act have used it as a vehicle to assert broad, sweeping, and sometimes wildly unsubstantiated allegations concerning matters totally unrelated to the legislation.

As I concluded my remarks, at least two minority members who had been accorded their time to speak again sought recognition, and I adjourned the hearing in a manner inconsistent with the spirit of comity that has and should continue to inform committee deliberations. While I concede this point without qualifications, Members should also be aware that the practice of the Democratic chairman of the Committee on the Judiciary under whom I have served, as well as the practice of the gentleman from Michigan (Mr. CONYERS), ranking member, during his chairmanship of the Committee on Government Operations, was to adjourn hearings without motion and without expressly seeking the unanimous consent of committee members.

Since this hearing I have been unfairly criticized by several Members of this body. In a press release dated June 10, the gentlewoman from California (Ms. PELOSI), minority leader, said, ''Chairman Sensenbrenner proved again today that he is afraid of ideas, that Republicans will stop at nothing to silence Democrats and the voice of the minority, to deny millions of Americans a voice in Congress. Republicans are unwilling and unable to compete in the marketplace of ideas; so they have chosen to arbitrarily and capriciously abuse their power simply because they can.''

In a similar statement, the gentleman from Maryland (Mr. HOYER), minority whip, stated that the committee's June 10 hearing represented a ''quintessential example of shutting up, shutting down opposition, dissenting views, and democracy.''

Both these statements are a grossly unfair and distorted depiction of my conduct and demand correction. I am not afraid of diverse ideas. I welcome that, and the chronology of the hearing record shows that. I have never attempted to stifle democracy, and I never will.

This committee's bipartisan consideration of the PATRIOT Act under my leadership underscores the malice that motivates these accusations. There is a difference between spirited debate and partisan vitriol that transgresses the bounds of decency and maligns the integrity of a Member of this House.

Following the hearing, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is the newest member of the committee, issued a press release stating that I had acted in an illegal manner under headlines stating: ''Democracy Thwarted at Judiciary Committee Hearing on the PATRIOT Act.'' In the course of this hearing, I did nothing that remotely resembles conduct that can be described as illegal. And as chairman of the Committee on the Judiciary, I take particular umbrage at this mischaracterization.

The gentleman from New York (Mr. NADLER) has also contended that I chaired the hearing in a manner that was ''with an attitude of total hostility.'' Based on these remarks, it has been inaccurately reported that I ''abruptly pulled the plug . . . when a hearing on the PATRIOT Act turned to prisoners and anti-immigration militia on the Mexican border.'' These statements are clearly false. I permitted each witness an opportunity to complete his or her oral remarks, and the hearing was only concluded after 2 hours' duration only when each member had been provided an equal opportunity to speak.

Following the hearing, I have met with the gentleman from Michigan (Mr. CONYERS), ranking member, to discuss ways in which the committee could respond to concerns expressed by some members of the minority, and we reached a resolution that might have averted this impasse. However, some in the minority have preferred a political issue to a workable solution. I trust that by fully and fairly examining the record of the June 10 hearing, as well as my demonstrated longstanding record of bipartisan consideration of matters relating to the PATRIOT Act and other matters before the committee, Members of this House and the public at large will reject the false, malevolent, and derogatory allegations leveled against me by certain minority Members of this body.

Mr. Speaker, the American people expect and deserve Members of Congress to approach terrorism prevention in a thoughtful, factual, and responsible manner. All too often opponents of the PATRIOT Act have constructed unfounded and totally unrelated conspiracy theories, erected strawmen that bear no relation to reality, engaged in irresponsible and totally unfounded hyperbole, or unjustly impugned the law enforcement officials entrusted with protecting the security of America's citizens. While the PATRIOT Act was drafted and passed by both Houses with wide bipartisan majorities, it has been transformed by some into a political weapon of choice to allege a broad range of violations which have nothing to do with that

legislation. These efforts coarsen public debate and undermine the responsible, substantive examination that must inform congressional and public consideration of this critical issue.

I will not be deterred by malicious attacks or minority obstructionism. In the coming months I will continue to energetically discharge my responsibilities as chairman to ensure thorough, bipartisan, and thoughtful consideration of issues relating to the PATRIOT Act and other legislation before the committee. This House and the American people who elect us to represent them expect and deserve no less.

Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe all of my colleagues would accept the premise that justice is not outside of the jurisdiction of the Committee on the Judiciary, nor is the concept of justice outside of the concept of this august body.

Judge Learned Hand is cited to have stated that the spirit of liberty is a spirit which is not too sure that it is right. So sometimes, Mr. Speaker, it is appropriate that those of us who believe in liberty should step back for a moment and question whether everything that we have done or everything that we think is right.

I think it is well to remind my colleagues that our Founding Fathers, those who came freely to this Nation, fled because they fled from persecution. And they fled to have the opportunity and the right to speak. We have always abhorred the tyranny of the majority. So it is important that those of us who stand today welcome, welcome, the offer being made by the previous speaker that we can sit down and resolve these questions and these disputes.

But there is no doubt that the resolution offered by the gentleman from New York (Mr. NADLER) has not been refuted. Violation of Rule XVII did occur. A motion did not occur to adjourn, and it is the rule that we have accepted. The violation of Rule XVII did occur, and as much as we did have a hearing, there were witnesses who were not able to respond to accusations or allegations being made by Members of Congress.

□ 2130

I think that we as Members recognize that we represent the American people, and whether or not witnesses come and take an oath and offer to this Congress words that you agree or disagree with, courtesies should be given to them so that their voice might be heard.

The previous speaker is right. We worked in a bipartisan way on the PATRIOT Act. We did it within a 6 week period. But ultimately another bill went to the floor of the House. It behooves us now to insist on behalf of the American people a complete overview and oversight of the PATRIOT Act.

So I simply say to my colleagues, justice should not be fleeting, and we should abide by justice, all of us, and we should vote for the Nadler resolution.

Mr. Speaker, Judge Learned Hand is cited to have stated that ''The spirit of liberty is the spirit which is not too sure that it is right. . . .''I would like to associate myself with the resolution filed by the Gentleman from New York and I join him in expressing displeasure and outrage at the disrespectful conduct of the Republican majority at the Committee hearing that was held on Friday, June 10, 2005. The Hearing was requested by the distinguished Ranking Member Mr. CONYERS, for the purpose of hearing important testimony relating to questions of civil rights and civil liberties, immigration policy, and human rights resulting from the provisions to be reauthorized in the USA PATRIOT Act.

What happened on June 10 was not only an attempt to silence Democratic Members of Judiciary, it was to silence Democracy in America. In my 11 years on the Committee on the Judiciary, I have never witnessed such treatment and disrespect as we saw by the Committee Leadership, who in addition to walking out of the hearing, also unilaterally decided to shut off the microphones for both Members and witnesses.

Furthermore, to do so in the context of analysis of very substantive legislation such as PATRIOT Act Reauthorization, something that greatly concerns all Americans, only exacerbated the repugnancy with which the very legislation itself was passed.

Throughout that hearing, which was called at the least convenient time of 8:30 a.m. on a Friday when Congress was not in session, witnesses and Members were cut-off in mid-sentence, and the Chairman refused to yield to points of order or points of personal privilege called for by the Committee Democrats. The hearing was abruptly adjourned by the Chairman, in violation of the Rules of the House while microphones of Democratic members were shut off while they attempted to speak.

Sixteen provisions of the USA PATRIOT Act automatically sunset at the end of the year unless reauthorized by Congress. As such, the Judiciary Committee held hearings on the reauthorization of the USA PATRIOT Act that absolutely required bipartisan cooperation. Legislation that touches upon fundamental civil rights and civil liberties should not be commingled with petty games, personal gripes, or hostile acts steeped in partisan politics. It is my hope that the Republicans will issue an apology and begin taking strides to form a bridge across the aisle that has been widened by ugly partisan divide.

Sixteen (16) provisions that are due to sunset at the end of 2005 are set for reauthorization. These provisions include Section 213 that allows delayed notification search warrants, Section 209's emergency disclosure of e-mails without a court order, and the provision that allows access to business records.

I commend the Chairman for his disposition to hold the 10 oversight hearings that have been held on these controversial provisions. However, if my colleagues on this side of the hearing room were to file an action based on the common law principle of forum non conveniens, we would likely be justified based on the fact that this hearing has been called for 8:30 a.m. on the day following the end of votes for the week! Nevertheless, we applaud this de minimis effort to appeal to the requests for hearings that have been made by the distinguished Ranking Member of this body.

By way of background, I remind this body that the PATRIOT Act was passed into law a mere six weeks following the terrorist attacks on September 11, 2001. The process of drafting this bill until its signing into law by President Bush took only four days from October 23 to October 26, 2001. The final measure, H.R. 3162, incorporated provisions of H.R. 2977, which the House passed on October 12, 2001, and S. 1510, which the other body passed on October 11, 2001. While Congress grappled with the need to act expeditiously to fight terrorism, I still marvel that a bill more than three hundred pages long moved from introduction to enactment at such a daunting speed. The process of reauthorization seems to resemble this path.

Mr. Speaker, while the Committee on the Judiciary has exercised oversight on the provisions that are up for reauthorization, I feel that, given their continued and increasing contentiousness, we must further analyze the possibly negative impact that they will have on our civil rights, civil liberties, and other guarantees under the U.S. Constitution. Conduct that disrespects Members who wish to conduct substantive debate as representatives of the House of Representatives.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, last week it was an honor to begin my new assignment as a member of the Committee on the Judiciary. This Nation was founded on the principles of ensuring that the rights of the minority are protected from the tyranny of the majority. The display that I witnessed and experienced at our committee hearing last Friday was, honestly, the most egregious abuse of power witnessed in my 13 years of combined public service in three legislative bodies.

This is a political institution, with individuals who feel passionately about their views, and this is an institution that runs on power. But my hope is that even when we disagree, we will treat each other with respect and dignity. Respect and dignity were nowhere to be found at that hearing last Friday, and it was a shame.

I was particularly surprised and disappointed by the disposition demonstrated by the chairman during the hearing, and found it ironic that the Committee on the Judiciary, whose responsibilities include reviewing, safeguarding and upholding our Constitution, thought nothing of trampling the rights the minority's witnesses by severely limiting their opportunities to be heard.

After 9/11, the vast majority of Americans were and remain willing today to give up some of our freedoms and civil liberties in order to keep us safe. When the USA PATRIOT Act was adopted by Congress, there were 16 provisions that

were troubling enough to most Members that they were required to be reviewed by Congress before they could remain in law past this year.

I think I share the views of many when I say that I may ultimately support all 16 provisions remaining in law. However, it did not seem too much to ask to thoroughly review those provisions, and not just hear a drastically lopsided set of witnesses called by the majority party.

If we are going to restrict civil liberties in the name of national and homeland security, it is more important than ever to shine the light on these provisions and make sure they can withstand a rigorous test.

Forfeiting civil liberties is not merely an inconvenience for our citizens. It must be a conscious decision, made with full disclosure and review and for good reason. If this forfeiture cannot withstand a review where proponents and opponents have their concerns aired, then our citizens cannot be expected to give up rights they were born with and for which our forefathers and foremothers so desperately fought.

It is my hope that, like the other committee on which I serve, the Committee on Financial Services, which operates in an spirit of bipartisanship even on the most contentious of issues, that we can withstand the test, and this should be done without the abuse of power and trampling of democracy that we experienced last week.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking minority member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this is an embarrassing circumstance that we again find ourselves in. There are reasons that have required that the gentleman from New York, regretfully, bring this privileged resolution to the floor. There is little question that the demeanor of the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), was very, very unusual for the meeting that was held, which he was required to hold.

Now, do not take my word for it. I want you to go look at the evidence. It was all taped. I was stunned by my friend's continued hostility, not just toward the members of the Democratic side, but the witnesses themselves. I have never, ever experienced a witness being stopped dead in mid-sentence. It was highly inappropriate. The meeting was ended incorrectly. You cannot walk out of a meeting. You cannot say ''The meeting is adjourned,'' slam the gavel down and walk out.

I have worked in the Committee on the Judiciary. I came to this committee and all my career has been spent there. I worked under Emanuel Celler, Jack Brooks and Peter Rodino. I had wonderful times with the chairman that preceded the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Illinois (Mr. HYDE).

What I want Members to do, and I plead with them, is to support the gentleman from New York's privileged resolution, and allow the gentleman from Wisconsin (Chairman SENSENBRENNER) and me to continue meetings trying to get this committee back on track and make it whole again. Join us in that request. Please.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York has 2 minutes remaining.

Mr. NADLER. Mr. Speaker, we are not here discussing the substance or the merits of the PATRIOT Act or the manner in which it was adopted 4 years ago or the sufficiency of the oversight of the PATRIOT Act by the Committee on the Judiciary. We will have plenty of time to discuss that on the floor in coming weeks. We are discussing the abuse of power and flouting of the rules by the chairman of the committee at the minority hearing on June 10.

What the chairman said today did not contest or dispute a single point or a single allegation or assertion in the resolution. He did not deny that he rigidly cut off witnesses, every witness, in mid-sentence, a practice unheard of normally in the Committee on the Judiciary.

He did not deny that he made several false and disparaging comments about members of the minority in violation of the rules.

He did not deny that he refused on numerous occasions throughout the hearing to recognize members of the minority party attempting to raise points of order.

He did not deny that he violated the rules by adjourning unilaterally and peremptorily the committee hearing while members were seeking recognition and seeking points of order.

He did not deny that his staff cut off our microphones and even the lights when we were attempting to continue the hearing that he had illegally attempted to cut off.

He says that I said that he chaired the hearing with an attitude of total hostility. Watch the C–SPAN tape, not the tape on the committee website, the entire tape on the C–SPAN website. You will see the accuracy of what I said.

This was unforgivable, it was undemocratic, it was tyrannical. It was demeaning to the House and it should not occur again. Regardless of how he normally chairs hearings, regardless of whatever may happen about the PATRIOT Act in the future, this was an exercise in tyrannical disregard of the rights of the members of the minority and the millions of Americans we represent.

It is intolerable, it is abusive, and, therefore, this resolution should be passed and it should not happen again.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 191, not voting 20, as follows:

[Roll No. 273]

AYES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland

Whitfield	Wilson (NM)	Wolf
Wicker	Wilson (SC)	Young (FL)

NOES—191

Abercrombie	Grijalva	Obey
Ackerman	Gutierrez	Olver
Allen	Harman	Ortiz
Andrews	Hastings (FL)	Owens
Baca	Herseth	Pallone
Baird	Higgins	Pascrell
Baldwin	Hinchey	Pastor
Barrow	Hinojosa	Payne
Bean	Holden	Peterson (MN)
Becerra	Holt	Pomeroy
Berkley	Honda	Price (NC)
Berry	Hoyer	Rahall
Bishop (GA)	Inslee	Rangel
Bishop (NY)	Israel	Ross
Boren	Jackson (IL)	Rothman
Boswell	Jackson-Lee (TX)	Roybal-Allard
Boyd	Jefferson	Ruppersberger
Brady (PA)	Johnson, E. B.	Rush
Brown (OH)	Jones (OH)	Ryan (OH)
Brown, Corrine	Kanjorski	Sabo
Butterfield	Kaptur	Salazar
Capps	Kennedy (RI)	Sánchez, Linda T.
Capuano	Kildee	Sanchez, Loretta
Cardin	Kilpatrick (MI)	Sanders
Cardoza	Kind	Schakowsky
Carnahan	Kucinich	Schiff
Carson	Langevin	Schwartz (PA)
Case	Lantos	Scott (GA)
Chandler	Larsen (WA)	Scott (VA)
Clay	Larson (CT)	Serrano
Cleaver	Lee	Sherman
Clyburn	Levin	Skelton
Conyers	Lewis (GA)	Slaughter
Cooper	Lipinski	Smith (WA)
Costa	Lofgren, Zoe	Snyder
Costello	Lowey	Solis
Cramer	Lynch	Spratt
Crowley	Maloney	Stark
Cummings	Markey	Strickland
Davis (AL)	Marshall	Stupak
Davis (CA)	Matheson	Tanner
Davis (FL)	Matsui	Tauscher
Davis (IL)	McCarthy	Taylor (MS)
Davis (TN)	McCollum (MN)	Thompson (CA)
DeFazio	McDermott	Thompson (MS)
DeGette	McGovern	Tierney
DeLauro	McIntyre	Towns
Dingell	McKinney	Udall (CO)
Doggett	McNulty	Udall (NM)
Doyle	Meehan	Van Hollen
Edwards	Meek (FL)	Velázquez
Emanuel	Meeks (NY)	Visclosky
Engel	Melancon	Wasserman Schultz
Eshoo	Menendez	Waters
Etheridge	Michaud	Watson
Evans	Miller (NC)	Watt
Farr	Mollohan	Waxman
Fattah	Moore (KS)	Weiner
Filner	Moore (WI)	Wexler
Ford	Moran (VA)	Woolsey
Frank (MA)	Murtha	Wu
Gonzalez	Nadler	Wynn
Gordon	Napolitano	
Green, Al	Neal (MA)	
Green, Gene		

NOT VOTING—20

Berman	Delahunt	Miller, George
Blumenauer	Dicks	Oberstar
Bono	Gillmor	Oxley
Boucher	Hooley	Pelosi
Cox	LaTourette	Reyes
Cuellar	Millender-McDonald	Sessions
Davis, Tom		Young (AK)

□ 2208

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PACTS MEAN LITTLE WHEN IT COMES TO TRADE

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

Mr. BROWN of Ohio. Mr. Speaker, a quote from Congress Daily: ''Lawmakers seeking to trade their votes on CAFTA should be forewarned. Such deals do not pan out.''

A Public Citizen report catalogues promises made to lawmakers by the Clinton and Bush administrations on trade votes from NAFTA to PNTR to TPA. Democratic and Republican administrations delivered on 16 out of 92 deals.

Examples of broken promises, a pledge from the Clinton administration to put in place expedited safeguard procedures for tomatoes. The Bush administration did nothing to utilize those procedures. Tomato imports have grown 137 percent.

On textiles and apparel, a promise made during 2002 TPA to the gentleman from North Carolina (Mr. HAYES), the gentlewoman from North Carolina (Mrs. MYRICK), and then-Representative Ballenger to hire 72 additional customs inspectors, which was never fulfilled.

The gentleman from North Carolina (Mr. HAYES) is leaning against CAFTA. The gentlewoman from North Carolina (Mrs. MYRICK) this week announced her support. That support is based on a pledge from Trade Representative Portman to seek an amendment to CAFTA to help North Carolina producers of pockets and linings proving that textile members like the gentlewoman from North Carolina (Mrs. MYRICK) seem to have learned nothing from the record of broken deals, the report states.

The gentlewoman from North Carolina (Mrs. MYRICK) said she has been assured by Secretary Chertoff that those positions would be filled by 2006.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, at a recent White House news conference President Bush called on Congress to pass the Central American Free Trade Agreement this summer. A couple of weeks ago in this Chamber the most powerful Republican in the House, the gentleman from Texas (Mr. DELAY), promised a vote by July 4. Well, actually, last year the gentleman promised a vote on CAFTA during 2004, then a couple of months ago he promised there would be a vote by Memorial Day. Now, I think the gentleman from Texas (Mr. DELAY) really means it, that there will actually be a vote on CAFTA by July 4.

The many of us who have spoken out against CAFTA, and that includes lots of Republicans and Democrats, people on both sides of the aisle have a message. Our message is dump this Central American Free Trade Agreement. Renegotiate a CAFTA that large numbers of Members of both parties can support.

Now, President Bush signed CAFTA more than a year ago. Every trade agreement negotiated by this administration, Chile, Singapore, Australia, Morocco, every single trade agreement negotiated by this administration has passed Congress within 2 months.

□ 2215

CAFTA, on the other hand, was signed in May of 2004. It has been almost 13 months since CAFTA was signed by the President, but it has languished in Congress for more than a year, six times longer than any other trade agreement. It has languished in Congress for more than a year because this wrong-headed trade agreement offends Republicans and Democrats in large numbers.

Just look at what happened with our trade policy in the last decade. I was elected to Congress in 1992. In those days for that year, the trade deficit, meaning the amount of goods exported from the United States versus imported into the United States, the trade deficit was $38 billion. Twelve years later, in 2004, last year, our trade deficit was $618 billion. From $38 billion to $618 billion, and the President and the gentleman from Texas (Mr. DELAY), the most powerful Republican in the Congress, says that our trade policies are working.

If you think it is working look at this. In addition to the trade deficit going from $38 billion to $618 billion in a dozen years, look at what is happening to the American manufacturing in the last 5 or 6 years.

The States in red are States which have lost 20 percent or more, at least 20