are pointing at. The case can't be proven.

But under this bill, for the first time this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call into the United States, that they would not call one of their people here.

This is more protection than Americans get under court-ordered warrants in Mob and other criminal cases here in the United States that we are now granting these terrorists under this act.

We are, frankly, confronting a virtual caliphate. Radical jihadists are physically dispersed, but they are united through the Internet; and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose. They are very sophisticated in that.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time. They used it last year to stop the attack on 10 transatlantic flights, and they prevented that attack in August of last year by wiretapping. The French authorities used wiretaps to lure jihadists basically into custody; and, thereby, they prevented a bomb attack.

Given this threat, it is unfathomable that we would weakened our most effective preventive tool, and that is exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told this Congress we are losing up to two-thirds of our intelligence on terrorist targets.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New Jersey (Mr. HOLT), who is a member of the Select Intelligence Committee and had substantial input with reference to this provision.

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida, and I rise in support of the rule and the underlying bill.

When Congress made the error of passing in haste and in fear the unconstitutional Protect America Act this past August, some of us could take a bit of comfort from this sorry episode in that it would expire. That meant we would get another chance to get things right, to actually pass a bill that would protect our country from terrorists and also from those in government who would turn the fearsome powers of our Federal intelligence and enforcement communities against the American people. I am pleased to say that after some intense work, we have a bill that does that.

The RESTORE Act now includes provisions via the manager's amendment that will ensure that it is the courts, not an executive branch political appointee, who decides whether or not the communications of American citizens are to be seized and searched, and that such seizures and searches must be done pursuant to a court order that meets the standard of probable cause.

This bill now gives our citizens the best protection we can provide them: good intelligence and the review of the executive branch's actions by a court. We, everyone here, can tell each of our constituents, Muslim Americans, soldiers in uniform, international businessmen, college students: you have the protection of the courts.

Mr. Speaker, I thank both chairmen of the Intelligence and Judiciary Committees for working so diligently to get this right. I urge my colleagues to vote ''yes'' on the rule and ''yes'' on the RESTORE Act later today.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from California (Mr. LUNGREN), a member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

People should understand that this is one of the single-most important issues we will deal with this year or this Congress, and yet it has been trivialized by the way it has been handled by the Rules Committee.

We were shown what purported to be the bill that we would be working on today 45 minutes before the Rules Committee convened, at which time we were supposed to present our amendments to this bill, draft our amendments to this bill. Maybe it made no difference because they had no intention whatsoever of allowing us any input by way of amendment.

This was startling to me because, having done two 1-hour Special Orders on this subject, I had a distinguished Member from their side of the aisle come to me and say: You know that provision you pointed out, that was placed into this bill as a result of a self-execution rule that actually grants greater protection to Osama bin Laden or anybody else than it would to an American citizen charged with a crime in America. You were right on that. We made a mistake, and we are going to change it.

So I look at this bill and it is still there.

What provision am I talking about? It is the provision that talks about treatment of inadvertent interceptions. If we have an electronic communication which we believed in the first instance was foreign to foreign but we find that it actually is foreign to someone in the United States, what happens? If we inadvertently collect a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General. And that is fine. But then it goes on to say: that require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated, or used for any purpose, or retained for longer than 7 days unless a court order under section 105 is obtained, or unless the Attorney General determines that the information indicates the threat of death or serious bodily harm to any person.

Now, if Osama bin Laden in a conversation or communication with someone in the United States, which we inadvertently pick up because we thought we were listening to foreign to foreign and we hear this, and in that Osama bin Laden indicates where he is, we are prohibited by this provision in this section of the bill from being able to disseminate it to anybody, FBI or anybody else, or using it for any purpose unless we go to a court. That is absolutely absurd. So absurd that a Member of that side of the aisle, the chairman of the Constitutional Law Subcommittee of Judiciary said: You are right, we will take it out. It is not taken out.

That is just one of the problems when you have a rule that doesn't allow people to look at the bill you are going to present to them nor does it allow any amendments to be brought forward.

This not only points out the seriousness of this issue, but it shows that, when you play political games with bringing it to the floor, you might have unintended consequences.

Do I believe that side wants to give greater protection to Osama bin Laden than an American citizen charged with a crime in America? I hope not. But it is in this bill. I was told it was going to be taken out. It has not been taken out. We ought to defeat this rule for that reason whatsoever and defeat the bill if it remains in.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Missouri, the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Mr. Speaker, as chairman of the Armed Services Committee, our purpose is to defend America and American interests, American citizens. And this bill is a good bill. I speak for this rule. I speak for it because this is a balanced rule. On the one hand, it helps protect Americans; on the other hand, it is a balance in favor of the Constitution. We have to keep, of course, those two goals in mind, but keeping in mind the fact that we need good intelligence, and this is a means and the law to allow us to get good intelligence and protect America and American interests.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman is recognized for 3½ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, we have talked a lot about