

Mr. Speaker, I will continue this Special Order later this week, and I thank this soldier so much for his courage to tell what he personally lived in Iraq.

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

(Mr. HENSARLING 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 Iowa (Mr. KING) is recognized for 5 minutes.

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

### REASONABLE IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought today was a particularly relevant day to talk about protecting America against terrorism and reinforcing what I believe is a belief of all Americans, that immigration does not equate to terrorism.

I say that, Mr. Speaker, because this morning we heard a brilliant message from the Prime Minister of India, Prime Minister Singh, who talked about a new day in America's relationship with India. As we are called the oldest democracy, India is called the largest democracy.

In his conversation, he talked about democracy empowering women, he talked about the reasonable use of nuclear energy, the need that India had in promoting the use of civil nuclear energy as opposed to any use of it for weapons and their commitment to non-proliferation. But he also talked about the cultural exchange and the value of the Indian-American community and the Indian community in India, and the United States building on a relationship.

Well, Mr. Speaker, what that means is that we have a reasonable response to immigration because in order to have that cultural exchange, certainly those individuals from India would have to utilize visas to come to this country, for example, the J-1 visa which helps bring physicians to the United States to serve in rural and underserved areas.

So I say to this body, we cannot hide in the sand on the question of immigration. And I believe the American people are reasonable people.

The ranking member on the Subcommittee on Immigration on the House Committee on the Judiciary, I have called for a full hearing on all of the bills that have been offered by my colleagues, the Kennedy-McCain bill which I support, and of course many others.

Today and yesterday, two bills were offered by our friends, the gentleman from Colorado (Mr. TANCREDO) and Senator CORZINE. I would say that all of those bills need to be heard; but I would caution, you cannot have an immigration bill that is only about enforcement, because so many of us come from immigrant backgrounds and we understand the value of reuniting those who are here legally with their family members. Because our system of immigration is broken, we have not been able to do that. That creates illegal immigration.

Even in a document that talks about America's views on immigration, it says in terms of protecting us against terrorism, Americans do want to have closed, secure borders and they want the borders to be protected. Twenty percent say that. But in terms of being careful about those who enter this country and pay attention to immigration, it is not overwhelming, though it is certainly 13 percent of Americans say pay attention to immigration. That does not say close the doors to immigration. That is why I offer a commonsense answer to immigration reform.

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My bill is called H.R. 2092, Save America Comprehensive Immigration Reform Act of 2005. We cannot solve immigration by putting military on the border. We cannot solve it by the Minutemen. We cannot solve it by a bill that says deport everybody; that you do not want to have anyone to be a guest worker other than those who are already here legally.

We can solve it by protecting our borders and adding more resources to border protection. We can solve it by giving more dollars to Immigration, Customs and Enforcement, providing us with more than 800 of those so that we can have internal immigration reform or protection.

We can do it by doubling the amount of family visas, so that those individuals who are here, taxpaying immigrants who want to bring a mother, a daughter, or a husband will have the visas which will allow them to do so.

We can do what we call earned access to legalization. That is not amnesty. What it says is, if you are undocumented and here in the United States, get in line. Let us provide you with a method of earning access to legalization; no criminal record, be here 5 years, do community service and petition to be a citizen.

Mr. Speaker, are we not safer, is it not the right common-sense approach to protect us against terrorism to know who is in our country? Do my colleagues think we can deport the 8 million to 14 million who are here working in hotels and construction and as aids around America? Yes, the system was broken in order to allow the growth of such, but many of these people now have family members that are citizens and who have invested by buying homes and paying taxes.

So it is important to recognize that if we were to work and try to deport the 8 million to 14 million, only about 32,000 are done a year in terms of deportation hearings. All of them are subjected to appeals. You would be centuries trying to deport 8 million to 14 million who are here, and maybe that number is not even the number.

So my legislation, H.R. 2092, the Save America Comprehensive Immigration Act, provides for the reunification of families by increasing the visa number. It also provides for the reuniting or the citizenship of children. It protects women against violence. It provides for the border security provisions, as I have mentioned, and it fixes this broken system of deportation. So that if you are in a deportation proceeding because of some small offense you created as a teenager, you would not be deported to a place you had never seen in your life. We need diversity visas, helping Haitians and Liberians.

Mr. Speaker, I hope we have a full debate on immigration, and I am delighted that the American people are common-sense and reasonable people. They know that immigration does not equate to terrorism; that in fact we can have a full debate, fix the broken system, work with those who have come to this country for opportunity, secure our borders, and fight against terrorism, but not condemn immigrants who are here, hard working. For many of us, many of us, some came in the bottom of the belly of a slave boat, but many of us came first to this country as an immigrant.

### PATRIOT ACT REAUTHORIZATION

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I rise this evening to talk about something we are going to be going into this week, something that is of major importance to every man, woman, and child in the United States of America and around the world, and that is the USA PATRIOT Act, the reauthorization of some certain sections of that act, and the reexamination of the PATRIOT Act.

As we all know, it is no news to anybody that this Nation had the most heinous attack in its history on 9/11, and the question has been raised, why do we need a PATRIOT Act? As a judge for over 20 years, I believe it is necessary to give our law enforcement folks the tools and the resources that they need to protect our citizens and our citizens' rights. We do not need to create sanctuary for terrorists to operate in our country.

The USA PATRIOT Act removed major legal barriers that prevented law enforcement, intelligence, and national defense communities from taking and coordinating their work to protect the

American people and our American society. Now, FBI agents, Federal prosecutors, and intelligence officials can protect our communities by connecting the dots to uncover terrorist plots before they are completed, while respecting the constitutional rights of all.

To do this, certain tools are necessary for our investigators to fight terrorism. Many of the tools the act provides for law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers and have been reviewed and approved by the courts.

Specifically, the PATRIOT Act allows law enforcement to use surveillance against more crimes of terror, such as the use of chemical weapons and other weapons of mass destruction. It allows Federal agents to follow sophisticated terrorist training to evade detection. It allows law enforcement to conduct investigations without tipping off the terrorists. It authorizes the court the discretion to issue an order to obtain business records in national security terrorism cases. This act is in the business of disrupting terrorist threats and capturing terrorists. It is in the whole business of catching them and preventing them from doing what they have been doing in the past.

Since 9/11, our law enforcement and intelligence community and our partners both here and abroad have identified and disrupted over 150 terrorist threats and cells. Worldwide, nearly two-thirds of all al Qaeda known senior leadership has been captured or killed, including the mastermind, one of the masterminds of the September 11 attacks. Worldwide, more than 3,000 operatives have been incapacitated. Five terrorist cells in Buffalo, Detroit, Seattle, Portland, Oregon, and northern Virginia have been broken up. More than 401 individuals have been criminally charged in the United States in international terrorism investigations. Already, 212 individuals have been convicted or have pled guilty in the United States, including the shoe bomber, Richard Reid and the American Taliban, John Walker Lindh.

The PATRIOT Act deals with increasing penalties for those who commit terrorist crimes. The PATRIOT Act increases penalties for those who commit terrorist crimes. And Americans are threatened as much by the terrorist who pays for the bomb as the one who detonates the bomb. We should even consider eliminating, in my opinion, the loophole and making sure that any terrorist who commits a crime resulting in death will be eligible for the death penalty or life in prison.

In particular, this act prohibits individuals from knowingly harboring terrorists who have committed or are about to commit a variety of terrorist offenses, such as destruction of an aircraft, use of nuclear, chemical, biological or other weapons of mass destruction, bombing of government property, sabotage of nuclear facilities and aircraft piracy. It enhances the maximum

penalties for various crimes likely to be committed by terrorists, including arson, destruction of energy facilities, material support to terrorists or terrorist organizations, and destruction of national defense materials. It enhances the number of conspiracy penalties, including for arson, killing of Federal officials, attacking communication systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crews. And it punishes terrorist attacks on mass transit systems, such as we just witnessed in Great Britain. It punishes bioterrorism. It eliminates and lengthens the statute of limitations for certain terrorist crimes.

The PATRIOT Act is a tool creatively created by the United States Congress to maintain the Constitution and give our law enforcement and intelligence folks the tools they need to fight.

Mr. Speaker, I now yield to my colleague, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas, and I think it is so worthy as we have this debate to recognize the experience that the gentleman from Texas brought to this Chamber, having served as a judge in his home State of Texas and becoming a true contributing member of the Committee on the Judiciary and working with our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and that committee as we bring forward the reauthorization of the PATRIOT Act. I thank him for sharing that expertise with our body and I thank him for the diligence that he brings to reviewing this.

Mr. Speaker, I had an interesting experience this week. My husband and I have been members of a bible study group for about 15 years, and Sunday night, as we gathered, the leader of the group looked at me and he said, Marcia, why do you not talk to us about what is going on with our border security and our national security. The bombings had been of concern to so many people, and this is a group of folks we are very close to, and so I took a few minutes to kind of recap for them where we are as we look at these issues that face us and as we find workable solutions to them; whether it is illegal immigration or whether it is keeping our communities and our towns and our cities safe.

That brought us all to the PATRIOT Act and the reason for the PATRIOT Act and the reason this Chamber voted to put the PATRIOT Act in place. It is there as a tool to be used, as the gentleman from Texas said, by our local, State, and Federal law enforcement, by our intelligence community, by our defense community to be certain that we keep America safe; that we keep our homeland safe; that we keep our communities safe; that we have a tool that we can use to fight terrorism.

We have to realize, too, that most terrorists do not claim allegiance to a

specific country or a government. These are not uniformed soldiers of a nation's army. What we have are people that are loyal to the Taliban, to the al Qaeda, to the terrorist organizations. Their goal is to inflict harm on us, and the PATRIOT Act has supplied a way that the law enforcement, the intelligence community, the defense community can work to get the information that is necessary to keep us safe.

There are a couple of points that I would like to touch on tonight, and that I think are very important, very important to my constituents and were important to my friends as we sat Sunday evening, in a safe, secure home and talked about this very issue. One of those is the fact that the PATRIOT Act allows our Federal agents to follow sophisticated terrorists who are trying to evade detection, and this is the ability to use roving wiretaps.

Now, that is something our agents have had the ability to use for those that are into racketeering and into drug offenses. So they have used that. And the important component there is that this has to be court ordered. An agent has to go to a judge and get a court order on this. This is not something that is going to compromise ordinary everyday citizens. But it is a vital tool because terrorists, we have learned, we have learned a good bit from the detainees at Guantanamo Bay. They are very sophisticated. They use technology. They use telecommunications, and are very sophisticated in how they go about communicating and having that ability to get a court order and implement that roving wiretap, how very important that is in fighting this war on terrorism.

Another point, Mr. Speaker, that I would like to bring before the body is looking at the situation with libraries. There is a myth out there, and the ACLU has claimed that many people are unaware that their library habits would become the target of government surveillance. That is a myth, and I want to be certain everyone understands that is a myth.

Mr. Speaker, as a mother, I do not want our public libraries to become safe havens for terrorists. We know that those terrorist cells, many of the individuals in those terrorist cells have gone where for their e-mail communications and their computers and to use computers to research buildings and cities and locations?

□ 1900

They have gone to public libraries. There again, this is not something that every one of us will find ourselves exposed to, but this is a tool that an agent needs to be able to go to a judge and request a court order and come in and review records of someone who is a suspected terrorist who would be choosing to inflict harm on communities, on cities in this great Nation.

Mr. Speaker, as I close my time this evening in this Special Order, I would

like to thank the gentleman from Texas (Mr. CARTER) for his leadership on the Committee on the Judiciary, and I would like to thank the gentleman from Wisconsin (Chairman SEN-SENRENNER) for the thoughtful way they have brought this issue forward and thank the leadership of the House for allowing us to have an opportunity to discuss with our constituents, with the American people, and also within this body the importance of reauthorizing the PATRIOT Act.

Mr. CARTER. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for talking to us about the PATRIOT Act. It is always good to get the perspective of a lawmaker and a mother. The reality is if the mothers ran this country, we probably would be a whole lot better off.

Mr. Speaker, at this time I yield to the gentleman from Texas (Mr. MCCAUL) and just note that our districts are neighbors.

Mr. MCCAUL of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. CARTER), who is my neighbor, and thank him for his leadership on this important issue. I serve on the Committee on Homeland Security and the Committee on International Relations, but that is not the experience I would like to talk about tonight. I would like to discuss my experience in the Justice Department prior to running for Congress which, in my opinion, is very relevant to this discussion.

I served as a Federal prosecutor in the Public Integrity Section at Main Justice when the so-called wall between the criminal division and the FBI's foreign counterintelligence was in place. After 9/11, I served as the Chief of Counterterrorism and National Security for the U.S. Attorney's Office in the western district of Texas. My jurisdiction included the President's ranch, the State Capitol, and the Mexican border. I worked very closely with the FBI and the CIA on the joint terrorism task forces. In that capacity, I practiced law as a Federal prosecutor under the USA PATRIOT Act provisions, including the one that brought down the wall.

I also served as deputy attorney general under then Attorney General and now United States Senator JOHN CORNYN. I would like to take us back to the last decade. In 1995, the U.S. Attorney General adopted policies and procedures for contacts between the FBI and the criminal division concerning foreign counterintelligence investigations. This policy prohibited the criminal division from directing or controlling foreign counterintelligence investigations. Eventually, those procedures would be narrowly interpreted to act as a wall to prevent the FBI and intelligence officials from communicating with the criminal division.

As noted by the 9/11 Commission Report, this wall may have created a climate that helped contribute to 9/11. An FBI agent testified that efforts to conduct a criminal investigation of two of

the hijackers were blocked due to concerns over the wall. Frustrated, he wrote to FBI headquarters saying, "Someday, someone will die, and wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems. Let us hope the National Security Law Unit will then stand behind their decisions, especially since the biggest threat to us now, Osama bin Laden, is getting the most protection." This was 9/11.

Another illustration of the wall creating dangerous confusion is in the case of Wen Ho Lee and the Los Alamos investigation. The first time the chief of the Counter Espionage Section in the Justice Department heard the name Wen Ho Lee was when he read about him in the New York Times.

Indeed, in my own experience I was assigned to investigate allegations that China attempted to corrupt and influence our elections. With the cooperation of witnesses, we were able to uncover some evidence that the director of Chinese intelligence may have funneled money to influence the Presidential elections. The frustration came from the lack of coordination and communication with the foreign counterintelligence side of the House, particularly when our criminal investigation moved into the intelligence arena.

Ultimately, these examples portray an inefficient system in which the left hand literally did not know what the right hand was doing. As stated by the Foreign Intelligence Surveillance Act Quarterly Review, they said: "Indeed, effective counterintelligence we have learned requires the whole-hearted cooperation of all government personnel who can be brought to the task. A standard which punishes such cooperation could well be thought dangerous to national security."

Mr. Speaker, today, thanks to the PATRIOT Act, that wall has come down. The PATRIOT Act helps us connect the dots by removing the legal barriers that prevented law enforcement and the intelligence community from sharing information and coordinating activities in a common effort to protect national security. It dismantled the walls of separation and enabled a culture of cooperation that is essential to our integrated antiterrorism campaign.

The President and the Attorney General recognized that without the ability to share information, including intelligence, we risk the very survival of this Nation. As stated by Senator LEAHY about the PATRIOT Act: "This bill breaks down traditional barriers between law enforcement and foreign intelligence. This is not done just to combat international terrorism but for any criminal investigation that overlaps a broad definition of foreign intelligence."

My experience in the Justice Department after the wall came down was profound and dramatically improved. As chief of counterterrorism, I spear-

headed the efforts of the Joint Terrorism Task Force. No longer did the barriers of communication exist. Indeed, the FBI's foreign counterintelligence agents and the intelligence community were full partners at the table. For the first time, the FBI intelligence files were reviewed by criminal division prosecutors and agents.

Our greatest task and our greatest task today remains to identify and locate the terror cells which may be in this very country. One of the tools we used to achieve this goal was through the use of national security wire taps under the Foreign Intelligence Surveillance Act.

In addition to these wiretaps, the PATRIOT Act provides many other tools for law enforcement in the war on terror. First, the PATRIOT Act updated the law to the technology of today. No longer will we have to fight a Digital Age battle with antique weapons, legal authorities left over from the era of rotary telephones.

Next, it promotes efficiency by providing for nationwide search warrants in terrorist cases. Investigators and prosecutors save valuable time because they are able to petition the local Federal judge who is the most familiar with the case and who is overseeing the nationwide investigation.

While most of the matters I worked on since the PATRIOT Act remain classified, one example that I can share this evening was a provision in the PATRIOT Act which was extremely helpful in a case involving allegations of a terrorist attack on July 4, 2003. In late June we received intelligence from a specific and credible source that a terrorist attack was going to occur on July 4 in my home State of Texas. At the same time we also received e-mails from an Internet chat room from an individual named Apostasy Hears Voices. He threatened to commit terrorist acts at numerous locations throughout the United States as a member of an unknown terrorist cell.

And specifically, the individual threatened on July 4, 2003, significant locations in Austin, Texas; Washington, D.C.; New York; Miami; Charlotte; San Francisco; Seattle; and Portland would be attacked by terrorists. The voice stated, "I have planned a little event for July 4, roasted Americans on Independence Day. It will be the second largest terrorist demonstration in U.S. history." He described himself as having the name "Ali Aussie," a student at the University of Texas who had been on a "mission" for 4 years on a student visa as a member of a terrorist cell.

He stated that each cell acts independently for the most part so that if one cell gets caught, the other cells are not compromised, which is consistent with how al Qaeda operates. He concluded with the following words: "I did enjoy watching Americans burn alive in the WTC event. BBQ Americans."

We were getting this real-time from the Internet chat room. The JTTF

quickly went into action sharing intelligence, information and coordinating with multiple jurisdictions. By utilizing the PATRIOT Act, I was able to save valuable time by obtaining a nationwide search warrant for electronic evidence for terrorist-related activities. Given the urgency of the matter and the potential loss of human life, time was critical and of the essence. These provisions allowed us to execute search warrants on the Internet service provider in real-time. Once we received the information, an arrest warrant was obtained and the defendant was arrested on July 3, the day before the planned attack.

The defendant was charged with using the Internet to make threats to kill or injure persons by an explosive device. Fortunately, the threat on that day turned out to be a hoax. But had it been a real threat, and we have to assume they all are, we would have saved lives. That in my judgment is what the PATRIOT Act is all about, protecting and saving lives.

There has been much talk from critics of the PATRIOT Act regarding allowing many of the information-sharing provisions in the law. Having served under its provisions before and after the bringing down of the wall, and the implementation of the PATRIOT Act, I can envision no bigger national security mistake than to go back to the way things were. The PATRIOT Act takes laws which have long applied to drug dealers and organized crime and applies them to terrorists.

For example, for years law enforcement has been able to use roving wiretaps which follow all communications used by a suspect as opposed to just one telephone line. The PATRIOT Act simply authorizes the use of this technique in national security intelligence investigations and amends the Foreign Intelligence Surveillance Act to conform to the parallel provision found in the Federal wiretap statute. Contrary to critics' assertions, the Justice Department cannot do anything without court supervision. The USA PATRIOT Act does not abrogate the role played by the judiciary in the oversight of activities of Federal law enforcement. Federal agents still have to obtain judicial approval before they can search a residence and before they can install a wiretap.

I would like to leave Members with the following words which are disturbing but I think kind of ring home why we are here tonight and talking about this important issue.

The confrontation that we are calling for with the apostate regimes does not know Socratic debates, Platonic ideals, or Aristotle diplomacy. But it does know the dialogue of bullets, the ideals of assassination, bombing and destruction, and the diplomacy of the cannon and the machine gun. Islamic governments have never and will never be established through peaceful solutions and cooperative councils. They are established as they always have been

through pen and gun, by word and bullet, and by tongue and teeth.

The words that I just read are the preface to the al Qaeda training manual. These words demonstrate the widely held belief that the question is not if the terrorists will strike us again, but rather when and where; and we had better be prepared.

Thomas Jefferson once said "the cost of freedom is eternal vigilance." Those words ring more true today than ever before.

We owe it to the citizens of this country to reauthorize the USA PATRIOT Act, for if we do not, and another terrorist attack occurs on our soil, on our shores, we will surely all be held accountable.

Mr. CARTER. Mr. Speaker, I thank the gentleman from Texas (Mr. MCCAUL) for giving us great insight from a prosecutor's standpoint of a man who has used the tools, and seen a Department effectively use the tools. The Chair knows, as I know, that we have used these tools in law enforcement for years. We have used them to fight gang activity, organized crime, drug activity, and other activities in this country. We have now authorized our intelligence communities to use the same tools to stop international terrorism and attacks upon the United States of America by these heinous terrorists who strike the innocent of our society.

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Mr. Speaker, we heard this experience from the gentleman from Texas (Mr. MCCAUL), and I think it is great to know from a prosecutor's standpoint exactly what is enhanced by the PATRIOT Act and the ability to fight these crimes, the front-page crimes in the world today. So I am very pleased we were able to hear that perspective.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. KING), who would like to address this body concerning his views on the PATRIOT Act.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas (Mr. CARTER), his Honor, for yielding to me.

And Mr. Speaker, Your Honor; and over here on the right, the gentleman from Texas (Mr. GOHMERT), his Honor; and the gentleman from Texas (Mr. MCCAUL), his prosecutorship, it is quite an honor for me to stand here amongst these honorable individuals who have stood up for the law in the fashion that they have. And, by the way, they are all Texans, and I am in elite company here tonight and privileged to be here. And I appreciate their role in this Congress and the direction that they help take this country and the vision that they bring to this floor consistently night after night. I see the faces of some of them here defending our Constitution, defending our rights, and defending our freedom.

I have the privilege to serve on the Committee on the Judiciary in the United States House of Representatives, and I have served there for 2

years with the gentleman from Texas (Mr. CARTER) as my wing man on the right and always bringing me back to the rule of law and an excellent listener. And I hope I have picked up some of those traits, although I have got some room to go.

And what I listened to this year and partly last year was the debate over whether we had 11, 12, or 13 hearings on the PATRIOT Act. I am not sure what that number is. I do not necessarily take a position. A dozen plus or minus one, that is a lot. And we had those hearings because that is part of our due process. It is part of our full responsibility, and we heard throughout the last presidential campaign and across this country continually complaint after complaint after complaint about the PATRIOT Act. It was going to be taking away people's rights and Big Brother was going to be intruding upon their most private documents and we would be handing over the investigation to an unchecked Justice Department that would go in and violate our privacy for no good reason except to look over our shoulder, compile records, and build databases that would someplace along the line violate our freedom. So we held those hearings, Mr. Speaker, so that we could hear from the public on where these violations might have taken place.

And I will point out that the PATRIOT Act is simply an act that moves the investigations of international terrorism up to a level of actually a higher standard of protection for the people in this country than there is a criminal investigation. So a search warrant that is achieved under the PATRIOT Act requires a court order, and a search order that is granted under a criminal investigation could be a grand jury subpoena, which is simply a rubber stamp. A case has to be made before a judge to get a search warrant under the PATRIOT Act. And some of those investigations have used section 215 of the PATRIOT Act, and in fact it has been used 35 times. And I have read some of those incidences. They are in a classified version if it is sensitive to the safety of this Nation. But I have read some, and there is nothing in there that is unusual or nothing that I can find that compiles data that can later on be used in a fashion that violates privacy. It is all focused on national security.

We have too few resources to invest them anywhere else except in our national security and in crime enforcement. And yet we have heard continually the PATRIOT Act is going to go in and it is going to check out library records wherever they check out a book, wherever they get on a computer in a library, and Big Brother is going to be watching over their shoulder when they go on the Internet down at the local public library.

And, by the way, when people go into a bookstore and buy a book or a magazine, we are going to have those records and we are going to keep a

huge nationwide database so we know what they are thinking because what they are reading must be what they are thinking.

But, in fact, after all those hearings and in the last hearing, which is the one we heard so much about, the minority party brought all of the witnesses, all four witnesses, and they made their testimony about how egregious the PATRIOT Act was. And I asked a question of the CEO of Amnesty International, after he had made all those allegations, could he just kindly into the record give us the name of one individual, just one individual who had their rights violated under the PATRIOT Act. And the answer was, well, a librarian in Texas is intimidated and this person is afraid and it puts a chilling effect out on people that think their documents that they access in the library should be private.

But, Mr. CEO, could you name a person?

And I pressed and pressed and pressed until I ran out of time. Then I asked him, would he enter it into the record and we will give him a week to respond with the name or the names of the individuals who have had their rights violated by the PATRIOT Act.

And the chairman, at the conclusion of the hearing, reiterated my request, put it into the record. And the response that we got back was very vague in its allegations and devoid of names, addresses, and phone numbers of people who had had their rights violated by the PATRIOT Act.

If in a dozen plus or minus one hearings, if in the final hearing that had all critics' witnesses at the hearing, there was not still a single name that was presented to this Congress on someone who had had their rights violated by the PATRIOT Act, then it falls back to the supposition of, well, it could happen, could it not? And for that after all of this, after these years of the PATRIOT Act and its clear record and its record of success, as was referenced by the gentleman from Texas (Mr. MCCAUL) earlier, we would repeal the PATRIOT Act on the supposition that someone's rights could one day be violated?

There is not a shred of evidence that that has happened. Of the 35 times that it was used, it was not used in a library. It was not used for books. It was not used for a computer in a library. But there was an amendment that passed on the floor of this Congress that would prohibit the use of U.S. funds for enforcement, federal taxpayers' dollars for enforcement, of those sections of the PATRIOT Act so that it would turn libraries off limits, book stores off limits; and they said they made an exception for computers, but it included also the sign-up list in the library so they could not even go look at the sign-up list in the library and find out whose computer was not exempt. They are all exempted by that amendment. We cannot let that happen when we bring the reauthorization of

the PATRIOT Act and get it finally concluded and get it into law.

And this is something that is critical. It is critical to the future of this country, for the safety and security of this country, for us to be able to do a simple international terrorist investigation domestically within the United States and protect the rights of people.

And my view is this: That after 12 hearings plus or minus one, after these cases that cannot be brought forward that people's rights may have been violated, and they were not, I am impressed with the work that was done on the part of this Congress before I got here. And they were under the pressure of the dust of September 11, 2001, drafted a PATRIOT Act in a pretty fast legislative hurry, and there is not any part of that that I think was picked apart in an effective way. We made a few minor changes to make sure that people were protected a little bit more, but it really did not change the substance of the PATRIOT Act.

We have got a good bill here. It needs to be put into code. There will be a 10-year sunset on it by the position that we put in it. That is a pretty wise thing. It takes it out of the realm of short-term politics, but it is a law that can stand, I think, in perpetuity with this country.

And we are faced with an enemy in this country and around the world that we need to define and understand. It is not just law enforcement that controls this enemy. This enemy is a parasite. Radical Islam, the Islamists. The parasite lives on the host, the host called Islam. The Muslims have the mosques where the parasites, the radical Islamists, congregate. And the parasites live on the host, feed off the host, are funded by the host. And we need the help of the host to eradicate radical Islamists. And if we do not have that kind of help, there is going to have to be some other steps that are taken. And one of those, I hope, is a web page that goes up in the United States so that these sermons in the mosques go up where our public knows what is being said about the hatred of Americans.

I thank the gentleman for bringing this special order tonight. All these Texans, judges, and honorable people that do this good cause, I am glad to be part of them.

Mr. CARTER. Mr. Speaker, reclaiming my time, I thank the gentleman from Iowa, whom I very much enjoyed sitting next to and talking to and working with on issues on the Committee on the Judiciary. We Texans are proud to have him here with us tonight because he is a true patriot in the sense of the American term "patriot," and we are very proud of him.

And the gentleman mentioned these issues of obtaining these records, this fear, this absolute fear that people have of somebody looking at their library records. Grand jury subpoenas have looked at library records for

years. Grand jury subpoenas can be issued by the foreman of a grand jury. I do not know where the panic comes from. This has been going on forever, but somehow there is a panic.

At this time I would like to welcome the gentleman from Texas (Mr. GOHMERT), from East Texas. I feel really kind of like we are in a judicial conference. We have got a judge in the chair. We have got two of us down here on the floor. We are proud that we might as well just call a quorum and start doing some legal business.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GOHMERT), a good colleague and close friend, to talk about some of the issues and the answers that we see in the PATRIOT Act.

Mr. GOHMERT. Mr. Speaker, I thank the gentleman for yielding to me. And I do appreciate being in the presence of two of my former judge colleagues. They all understand due process. They have dealt with it. They have reviewed the affidavits. They have signed the search warrants. They have signed the arrest warrants. They understand due process. And what made me feel better about the PATRIOT Act, because I, like many Americans, had concerns about it, was getting into the meat of it and seeing that there are some safeguards here. But some of us did fight to have a sunset provision, and that is the way it came out of committee. And by the time we came out of committee, every single Republican, I believe, if not all, most all, voted to have a sunset provision on 206 and 215, those two provisions. So there are people that are extremely interested in keeping our liberties as much as possible while we battle a nemesis that wants to destroy our way of life, and I think that is what people lose sight of, that we are in a war for our very existence.

It was a pleasure to follow in the gentleman from Texas' (Mr. CARTER) footsteps into the Committee on the Judiciary. I was advised that, at least from our side of the aisle, I am the only judge, former judge, that is on there after he left.

But, nonetheless, these are people that are concerned about due process. We had 11 hearings on the sunset of the PATRIOT Act and what needed to be kept and what did not. And we had 35 witnesses we heard from, and we heard from various positions. All different aspects were looked at. So it was not like we went blindly into this. There was tremendous debate. There was a lot of discussion because people are concerned about the rights of Americans.

And one of the ongoing battles that we fight is balancing liberties with complete freedom. And I admire one of the quotes from John Locke, and, of course, my colleagues recall that John Locke was an individual who was studied heavily by the framers of the Declaration of Independence, the framers of the Constitution. And Locke said this: "In all the States of created beings, capable of laws, where there is no law there is no freedom. For liberty

is to be free from the restraint and violence from others." That is pretty profound. "Liberty is to be free from the restraint and violence from others; which cannot be where there is no law; and is not, as we are told, a liberty for every man to do what he lists." Pretty profound stuff. But it is a balance between the incredible important liberties that we have in this country that people fought and died to make sure that we secured, and also our security. And I love Patrick Henry and I love his quotes: "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take; but as for me, give me liberty or give me death." Those are profound words, but we fall in the shadow of these giants, and it is not lost on us, and it was not lost on the Republicans as we have struggled with these issues and to balance. But, Mr. Speaker, make no mistake. We are in a war for our survival. There are people that are bent on the destruction of our way of life.

I was a history major at Texas A&M. I love history. And the fact is throughout the history of mankind there are always people bent on evil, but every now and then through history evil men emerge bent on destroying everything that is civilized, everything that is good, liberties of others. They want to destroy them. And the danger is another dark age is if we do not oppose that evil, if we do not take it head on. And throughout our history where good people did not oppose evil, they tried appeasement like Neville Chamberlain: This means "peace for our time."

□ 1930

Fortunately, in the 20th century, even though appeasers went too far at times and they let evil get too much of a foothold, ultimately people cared so deeply that they came forward and they gave it their all, and some made the ultimate sacrifice to fight evil so we did not go into another dark ages.

Mr. Speaker, that is what we face. My colleague from Texas understands that, and my colleagues from around this country, they understand that. And as we reviewed top secret intelligence information and as we continue to do that, some of us in the Committee on the Judiciary this week, there is no question that, perhaps not the level of 9/11, but there are disasters that have been averted by use of the PATRIOT Act. We need it. We need to protect ourselves.

On balance, on the other side, as we struggle among ourselves, and I am grateful to colleagues, I see my friend from Massachusetts across the way, there are people that struggle to make sure that we have and preserve the freedoms that were fought for, and that is why we agreed and have a sunset provision, so that we can come forward.

I want to say this, make it clear, that we did not fight for a sunset provi-

sion in the PATRIOT Act because we are concerned about the Bush administration and our wonderful Attorney General, Alberto Gonzales. These are good people. They have been forthcoming. There have been no abuses. The record is clear. We got to review the information, they have done a wonderful job.

But I can tell the gentleman, I had concerns. Like in 215, the language in there says basically when the order is issued to produce documents from the court order, that it is secret. It is kept secret, and you cannot disclose it.

Well, I am proud of this Justice Department, I am proud of this President, and I am proud that the position they have taken is that even though it says nothing could be disclosed, their position has been, of course you can talk about this with your lawyer. Of course you can appeal and have due process on this order to produce. But I was concerned that if we had a lesser, freer-minded administration following this one, that perhaps they would say no, the law means what it says. It says you cannot disclose it to anybody. No, you cannot have a lawyer, you cannot appeal, and then we would really be in for a battle.

So I am grateful that the Department of Justice and the administration were in favor of amending that to make clear for future administrations what this administration has done, allow people to consult their attorney, allow an appeal to make sure due process takes place. In 215 we are looking at those amendments to put that insertion, you consult with your lawyer, you can appeal.

The librarian exception keeps being brought up, but it is a business records exception. As a judge, I do not know about you all, and I use "you all," and I realize I am in a national setting here, but, by golly, the language needs a second person plural, and we in the South have provided it. It is "you" and "you all," and that is where we are.

But as far as these provisions regarding library business records, it is not just librarians, it is business records, and if there is reason to believe that these things need to be pursued, then they will be pursued. Just like I have issued orders to banks to produce information when there was probable cause, I have issued warrants to produce information, there are safeguards to ensure the same thing here. But I am glad we are going to have those amendments in there to make sure.

I appreciate the gentleman yielding me time, because these are very serious issues. I know the gentleman believes that and knows they are. So it is the balance. But, make no mistake, evil people are bent on the destruction of our way of life, and if we flinch, if we cringe, if we weary from this struggle in the war against terror that would undermine all that others have given to us through their sacrifices, then we have not done the job we should have.

The PATRIOT Act allows us to do that. It provides for sunset provisions

which will allow us to revisit these issues in the future. If you go back historically, when people combat evil and they are victorious, you put that evil back in a box and we do not go into a dark age. There is another period of enlightenment, like I believe we have gone through. But we must battle, put it back in the box, hopefully for another 100, 200, 300 years, so we can continue in this great sense and state of freedom that our forefathers and foremothers have given to us.

I thank the gentleman for yielding me time. I congratulate the gentleman on taking the time for something so important.

Mr. CARTER. Mr. Speaker, reclaiming my time, I appreciate the gentleman being willing to address this body and to talk about this.

Mr. Speaker, when we were discussing this, when I heard the gentleman from Tennessee (Mrs. BLACKBURN) talk and also as I heard the gentleman from Texas (Mr. GOHMERT) talk and others, I thought about something that many of us in the Judiciary deal with every day, and it dawned on me that one of the things we toyed with for a while was defining "gangs" and what makes up gang violence.

Basically a simple definition of a gang is a group of organized people bonded together for the purpose of committing some type of criminal activity. That is the way the law looks at a gang.

We are dealing with an international gang when we deal with terrorists. There has become a magic or mystique that is being created by those who oppose the PATRIOT Act that for some reason we are stepping on the toes of some group of people, and yet the same tools that are in the PATRIOT Act have been used against gang violence, have been used against organized crime, have been used against gangs, against street gangs in this country. The tools have been used against drug dealers and drug importers. They have been used for years, and no one seems to be feeling like for some reason there is something terrible about those rules and those laws that we have used.

But they do feel for some reason that using them against the largest, most organized gang on Earth, there is something wrong with that, the gang that has killed in one fell attack more Americans than were killed at Pearl Harbor, more civilian Americans than were killed at Pearl Harbor, that started the Second World War.

For some reason, people are concerned about a PATRIOT Act that does nothing more than make uniform in many instances laws that exist in different jurisdictions across the United States.

We hear talk about the sneak-a-peak warrant. For a while that was the section of choice to talk about for a long time, the sneak-a-peak warrant. It just sounds terrible. It sounds like a peeping tom looking through your window,



and that is great terminology and well-worded by those who oppose it.

So what is a sneak-a-peak warrant? Well, one time before I went on the bench, I was a young lawyer and I had a client who had a house out in the country. And he took it in on a debt and he was trying to sell it, but until he did, he wanted to rent it, so he rented it to a graduate student from the University of Texas.

They came by my office every first of the month and laid \$200 on my desk for that house, and for a year that graduate student lived out there in that house in the country outside of Round Rock.

Then along about in the November time frame of the next year, I got a phone call from my client, who happened to be in the great State of Pennsylvania, and he said, "I think I have got a buyer. I ought to be able to close this thing. I need to get the tenant out of the house. Would you go out there and tell him we will give him a month to vacate the house."

I took my little boy, who now is a 35-year-old football and baseball coach at Round Rock High School, but at that time was about a 4-year-old, and we went out in the country to the house. We knocked on the door. Nobody was home.

I had a key and the right of the landlord to enter, so I entered the home to write a note to put on the kitchen table. I discovered the house looked fairly unlivable. As I looked around to see if my tenant might have moved out, I opened a door to a bedroom and there stacked floor to ceiling were thousands of kilo blocks of marijuana, packed so dense you could not see the windows in this 12-by-14 room, floor to ceiling.

My son, not knowing anything, and I, backed quickly out of the house and went to the police in Round Rock. The police, after a long effort, found a judge, applied for a search warrant, got a search warrant and an arrest warrant and went out to that house. They went to execute the warrant.

There was no one at home. They examined the fact that there was a ton at least of marijuana in that house, and so they backed off and waited for those who were in possession of that marijuana to come home, because they had no one at that point in time. Ultimately, four individuals came back to the house. At that point in time they executed the warrant.

That was a sneak-a-peak. They looked at it, they saw it, they backed off and executed later. Those gentlemen's rights were not violated. That is a tool we have used in law enforcement for years.

Now, why does it sound so bad? Because we use the term "sneak-a-peak." It sounds like peeping toms in somebody's neighborhood.

We have got to get away from this terminology that is trying to take good, valid laws that have been tested time in and time out by our courts,

both State and Federal courts, and putting some cute phrase on them that makes them sound like they step all over people's constitutional rights and causing our public to be concerned about what we are doing here.

This PATRIOT Act follows the guidance the courts have given us over the years concerning law enforcement tools that we have used and we have used effectively. This PATRIOT Act has put together these tools not only which have been there in fighting the criminal justice issues in this country, but now the intelligence and international terrorism issues have the ability to use these same lawful instruments without fear of being crossed over between the various Federal acts that are involved in dealing with the terrorist issues.

One of the things that the people are concerned about is that you get a search warrant that can be served across the United States. Just on that case I was giving you, before we went to a judge we tried to figure out which law enforcement agency ought to be seeking the warrant. Should it have been the constable, should it have been the sheriff in his jurisdiction, should it have been the city cops in their jurisdiction, or should it have been the Department of Public Safety in their jurisdiction?

That was just a little old dope case in Texas, trying to go out and who seeks the warrant.

We have now gone and said it is crazy when you have got people that operate instantly on the Internet, who can move across this country in record time and do crimes in various jurisdictions simultaneously and store elements of destruction in various jurisdictions simultaneously, to have to go to every jurisdiction in the Nation to get a valid search warrant. So all we have done is something that we have had, we have allowed one warrant to be served across the country.

All of these are the various complaints that we hear about the PATRIOT Act. The PATRIOT Act is just that. What is interesting is it is a patriot's solution to the War on Terror, a group of patriots, both Republicans and Democrats, who joined together after a heinous attack on our Nation and passed the PATRIOT Act.

This is a bipartisan bill that was passed in Congress. This is both sides of the aisle saying we have had enough. And it was put together I think effectively. This time in the reauthorization, as the gentleman from Texas (Mr. GOHMERT) explained, we have addressed concerns about should we have a little more due process. On some of the issues, we have enhanced the due process provisions.

A grand jury foreman, he can subpoena records, business records or library records. He does not have to have anybody's permission to do it. The DA comes to him, he subpoenas them. As the gentleman from Texas (Mr. GOHMERT) explained, in the PATRIOT

Act a judge looks at the thing, examines it to make sure there is probable cause, and he makes sure the law is abided by.

Why are we worried about that, when we already have a procedure that we have used for years and years and years and nobody seems to have been crying about it? I never heard anybody complain about it at all.

□ 1945

So let us get back to being patriots. Let us get back to saying, we have an enemy without and within that chooses to attack innocent people in this Nation for the purposes of imposing their will, their criminal will, upon society, and their number one target is our society and our way of life. Let us go back to being patriots and say, we will give our warriors, both the warriors that fight in the streets and on the Internet and in the law courts of this United States, and our warriors who fight in Iraq and Afghanistan and wherever the enemy may meet us overseas, all of the tools and weapons necessary to fight and destroy this evil war on terrorists, these terrorists who attack our way of life.

Mr. Speaker, let us be proud that we are patriots who have created a PATRIOT Act, a bipartisan PATRIOT Act that protects the freedoms of Americans and protects the lives of Americans from terrorists.

#### STATUS OF SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART III

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

Mr. OBERSTAR. Mr. Speaker, the purpose of my request is to inquire of the chairman of the Committee on Transportation and Infrastructure and to ask him to take this opportunity to explain the extension that we will soon be considering on the House floor when the papers arrive from the Legislative Counsel's Office.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, it is my understanding this is a simple extension of 2 days until midnight, Thursday coming, and that, in fact, there will be monies to run the Department; and it is also my understanding that there will be some monies, 2 days' worth, disbursed to the States. This is not our idea; this was at the Senate's insistence. This is an attempt, for those who may be just now listening, to finalize the TEA-LU bill, the transportation bill.

The agony that the gentleman and I have gone through in the last 34 days is something that I do not want to write about. Maybe we should have been stationed at Guantanamo; it would have made it a lot easier. But we are very close now to a solution, and this is an attempt again to keep the pressure on and make sure we do finalize this