

and that is great terminology and well-versed 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

Thursday night so we can have a transportation bill that will do a partial job for the Nation, better than what we have, but not nearly as good as we need. Maybe in the future we will get everything we want.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I thank the chairman for his explanation. We had agreed among the House conferees that initially this would be a simple extension, to pay only the employees of the Federal Highway Administration and not monies for the States. The other body has insisted that States be permitted to approve new contracts; but there will be no Member projects, there will be no specific designations in this agreement. Members have been asking me about that matter, and I have assured them that this is a clean, simple extension for 2 days.

But it will mean that close to \$200 million of new spending by the States will go out as the Senate has insisted. Contracts that have not yet been awarded by the States can be awarded in these next 2 days, and that could be roughly 1 percent of the annual funding of our Federal Highway and Transit program.

Is that the chairman's understanding?

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman is correct. As far as I am concerned, I would not like to have any extension, period. But we are dealing with a 2-bodied monster here, and we have to work with the other side as much as we possibly can and salvage as much as we can. Hopefully, this will be the last one. This is our ninth extension on this legislation. I feel a little bit chagrined about that as chairman. I thought we could do better; but, again, I underestimated the lack of foresight of the other body that does not understand the importance of this legislation. But, hopefully, this will be the last one we have.

Mr. OBERSTAR. Mr. Speaker, for the record, it must be said that the chairman has worked mightily, put in extraordinary hours, and used his enormous powers of persuasion to achieve the agreement in conference with the other body and, when necessary for extensions, to do it simply and cleanly and not have these other expenditures. But this is a 2-body Congress, and we do have to come to agreement with the other body. Despite the chairman's best judgment, in which I totally concur, we are forced into this unfortunate situation, which is not in the best public interests, I must say.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will continue to yield, I can agree with the gentleman. As the gentleman knows, we have to deal with what we have, and we will try to make this a little less painful tonight and, as I hope will happen on Thursday, so we can pass this legislation and have it on the President's desk before we go home for the August break.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for the explanation.

## SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART III

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committees on Transportation and Infrastructure, Ways and Means, Resources, and Science be discharged from further consideration of the bill (H.R. 3332) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill as follows:

H.R. 3332

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2005, Part III".

### SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346) is amended by striking "and the Surface Transportation Extension Act of 2005, Part II" and inserting ", the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346) is amended by striking "\$2,240,000,000" and inserting "\$2,268,000,000".

(2) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "July 19" inserting "July 21".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(D)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346) is amended by striking "\$27,223,123,200 for the period of October 1, 2004, through July 19, 2005" and inserting "\$27,563,412,240 for the period of October 1, 2004, through July 21, 2005".

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346) is amended—

(1) in paragraph (1)—

(A) by striking "July 19" and inserting "July 21";

(B) by striking "and the Surface Transportation Extension Act of 2005, Part II" and inserting ", the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III"; and

(C) by striking "80 percent" and inserting "80.8 percent"; and

(2) in paragraph (2)—

(A) by striking "July 19, 2005, shall not exceed \$27,760,000,000" and inserting "July 21, 2005, shall not exceed \$28,107,000,000"; and

(B) by striking "\$511,200,000" and inserting "\$517,590,000"; and

(3) in paragraph (3) by striking "July 19" and inserting "July 21".

### SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147;

119 Stat. 325; 119 Stat. 346) is amended by striking "\$281,619,200" and inserting "\$285,139,440".

### SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended—

(i) in the first sentence by striking "\$220,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$222,750,000 for the period of October 1, 2004, through July 21, 2005"; and

(ii) in the second sentence by striking "\$10,400,000" and inserting "\$10,530,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking "\$196,800,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$199,260,000 for the period of October 1, 2004, through July 21, 2005".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking "\$132,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$133,650,000 for the period of October 1, 2004, through July 21, 2005".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "\$16,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$16,200,000 for the period of October 1, 2004, through July 21, 2005".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "\$112,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$113,400,000 for the period of October 1, 2004, through July 21, 2005".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "\$30,400,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$30,780,000 for the period of October 1, 2004, through July 21, 2005".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended—

(i) in clause (i) by striking "\$8,000,000" and inserting "\$8,100,000";

(ii) in clause (ii) by striking "\$4,000,000" and inserting "\$4,050,000"; and

(iii) in clause (iii) by striking "\$4,000,000" and inserting "\$4,050,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "\$21,200,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$21,465,000 for the period of October 1, 2004, through July 21, 2005".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking "\$8,800,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$8,910,000 for the period of October 1, 2004, through July 21, 2005".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is