

Asylum seekers will no longer be required to wait in Mexico while being processed, which is a commonsense deterrent against dubious asylum claims. Instead, it just waves them right in, with a backlog already of years on asylum hearings.

This power has been transferred from the proper agencies now to the White House, where immigration no doubt will be politicized.

Americans are suffering. Many need work because their jobs have been shut down due to the corona China virus.

How can we justify closing our schools and businesses but putting our borders wide open?

If the President wants to heal this Nation, he must pull together for the needs of struggling Americans, not these others.

NATIONAL SECURITY LETTERS

The SPEAKER pro tempore (Mr. JONES). Under the Speaker's announced policy of January 4, 2021, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, interesting days in the Capitol.

I keep being asked about the metal detector. I was not happy about metal detectors. But for some weeks now, I have been complying, taking my stuff out, putting it on the table, going through the metal detector.

I did that yesterday and came in here, and I was going to be recognized to speak. Since the restroom is just right there through that door, you see it as you are standing there at the door, I did what I have done for a number of weeks now. I went to the restroom and came back. Since the officers see you, and there was nobody else in the area, as there usually isn't these days, I went in, came out.

So people know, it isn't like "The Godfather." There are no tanks on the toilets, no place to hide a gun, that I see.

Anyway, the officers see you, and no one has ever said a word about needing to be reexamined when you are just right there.

Anyway, apparently, rules have changed over the last few weeks, and all of a sudden yesterday I was told, well, you need to be wanded. I said, no, I have been through the metal detector, and this has never been required before.

So, I came in today. I get a notice that I am supposed to be fined \$5,000. So, we will be appealing.

One of the things that is not supposed to happen is arbitrary and capriciousness—and to go for a number of weeks and nobody ever say a word because you are just going right there and back, never having to be reexamined, and then all of a sudden yesterday, and today, be hit with a \$5,000 fine.

Mr. Speaker, I just want to make sure our colleagues know that the

metal detectors are not the issue entirely. You may want to use facilities at your office or around your office because now, despite the admonition in the Constitution itself about not stopping or detaining a Member of Congress on his way into a session—it is in the Constitution—this Speaker has seen fit to defy that, to create metal detectors.

And now that is not enough. You can't even go to the restroom in full view of the officers without being hit upon and unconstitutionally treated again. I have been going along with the unconstitutional action anyway.

□ 1800

But it seems that it is one of those things, Mr. Speaker, no matter how much you finally are desensitized to the Constitution enough to comply with unconstitutional actions, there just keeps being another requirement, another requirement, and another requirement. So we will see how it all comes out, but hopefully other Members will learn from the arbitrariness of my treatment to avoid that for themselves.

On FOX News my friend, Tucker Carlson, touched on this yesterday. And this article is by Tucker:

There has been an enormous amount of talk—not just this week, but over the last month—about violent extremism and the people who embrace it. Those people, we are told, are domestic terrorists who must be put down by force. The war on terror has moved Stateside. Extremists are inside our country, and we must hunt them down.

We are hearing those words nonstop, not just on cable news, but from elected officials, including some Republicans. We are hearing it from the leaders of Federal law enforcement agencies and the intelligence agencies. We are hearing it from the Pentagon. Just this week, Secretary of Defense Lloyd Austin ordered the entire U.S. military to "stand down" while investigators cleanse the ranks of political extremists.

And, of course, we are hearing it from the business establishment, from Wall Street and tech monopolies, from the massive multinational corporations that increasingly control the contours of American life. All of them are now on the hunt for political extremists.

By the way, with regard to the effort to purge the military of anybody with a political position that does not support socialism, my 4 years at Fort Benning, Georgia—about half of that under Commander in Chief Carter and the other, about half, under Commander in Chief Reagan—there were a lot of people at Fort Benning who didn't care for what was happening to the military under President Carter. But we knew you could not say anything derogatory about the Commander in Chief without being either punished with an article 15 nonjudicial punishment or being prosecuted because he was the Commander in Chief. But everybody, Democrat, Republican—and now lots of Socialists—as long as you did your job in the military and you followed orders, you didn't have any problem. But we were not heard to talk about the terrible morale

under President Carter, the way we were no longer respected, the way internationally—especially after the failed hostage rescue attempt that I believe had more to do with civilian oversight restrictions than it was anything else. I was told by people at Fort Benning that the President, the White House was warned. If you make us go in with so few helicopters, there is a good chance we won't have the six needed in order to go rescue the hostages—we knew where they were—and that they were made to scale to eight. So when they lost three on the way to the staging area, then it was an automatic abort, according to one of my friends who was part of it.

Anyway, we ended up losing a chopper with military on board, a C-130, with military onboard. But, still, we didn't go out. You didn't hear us trashing the Carter White House because we were in the military. Our political opinions didn't matter. Even if people had contempt for the poor leadership in the White House, you didn't say it because it was not allowed.

People, despite their political positions, were ready to lay down their lives for their country if that was necessary, and some did. Even though that was a time of peace those 4 years I was in, we were never in a declared police action or war. Still, we did our jobs no matter what it was, and nobody was run out of the military for their political positions. But now under this administration, things have changed.

As Tucker Carlson goes on, he says:

You have to be more precise than that. In order to root out a problem, you have to know what the problem is. You need a sense of what you are looking for, a clear picture. You have to define the terms. The remarkable thing about this conversation we are having is that no one is doing that.

Have you noticed that none of these newly energized and highly empowered extremist hunters have told us exactly what an "extremist" is?

We are left to guess, to look around nervously to see if we can spot one.

They are not talking about us, are they?

And if they are, what exactly are they doing?

How are they hunting these "extremists" they keep telling us about, but will not describe?

We now know part of the answer to that question.

He points out:

Tucker Carson Tonight has exclusive obtained evidence that Bank of America, the second-largest bank in the country with more than 60 million customers, is actively but secretly engaged in the hunt for extremists in cooperation with the government. Bank of America is, without the knowledge or the consent of its customers, sharing private information with Federal law enforcement agencies. Bank of America effectively is acting as an intelligence agency, but they are not telling you about it.

In the days after the January 6 riot at the Capitol, Bank of America went through its own customers' financial and transaction records. These were the private records of Americans who had committed no crime; people who, as far as we know, had absolutely nothing to do with what happened at the Capitol. But at the request of Federal investigators, Bank of America searched its

databases looking for people who fit a specific profile.

Here is what that profile was: Number one, customers confirmed as transacting, either through bank account debit card or credit card purchases in Washington, D.C., between January 5 and January 6. Number two, purchases made for a hotel or Airbnb in D.C., Virginia, and Maryland after January 6; any purchase of weapons or at a weapons-related merchant between January 7 and their upcoming suspected stay in the D.C. area around Inauguration Day. And also airline-related purchases since January 6.

The first thing you should notice about that profile is that it is remarkably broad. Any purchases of anything in Washington, D.C.; any overnight stay anywhere in an area spanning three jurisdictions and hundreds of miles; any purchase not just of legal firearms, but anything bought from a "weapons-related merchant," T-shirts included; and any airline-related purchases—not just flights to Washington, D.C., but flights to anywhere, from Omaha to Thailand. That is an absurdly wide net.

Bank of America identified a total of 211 customers who met these "thresholds of interest." At that point, "Tucker Carlson Tonight" has learned, Bank of America has turned over the results of its internal scan to Federal authorities, apparently without notifying the customers who were being spied upon. Federal investigators then interviewed at least one of these unsuspecting people. That person, we have learned, hadn't done anything wrong and was cleared.

Imagine if you were that person. The FBI hauls you in for questioning in a terror investigation, not because you have done anything wrong or suspicious, but because you bought plane tickets and visited your country's capital. Now they are sweating you because your bank, which you trust with your most private information, has ratted you out without your knowledge. Because Bank of America did that, you are being treated like a member of al-Qaida.

It doesn't matter how much you despise Donald Trump or how much you believe that hatred of Trump justifies suspending this country's ancient civil liberties, going through that experience would scare the hell out of you.

Does anyone else know about this?
Is there a record of this interview?
Will I lose my job because of it?
That actually happened to someone.

Anyway, he goes on and points out this issue of banks toting over information, and it took me back in time to the George W. Bush Presidency, when I first got to Congress and I first learned about something called National Security Letters. That was a shock to me to find out about what were called NSLs, National Security Letters, because I have been a litigant, I have been a felony judge and a chief justice, and I was quite familiar with reviewing affidavits in support of requests for warrants. And I have reviewed them at all hours of the day and night most of the time because law enforcement in my jurisdiction was told by the DA they needed to go through the DA's office to make sure that the warrants met the constitutional requirements.

So it was rare, but sometimes I did say: You don't have facts that create probable cause to believe a crime has been committed or probable cause to believe this person committed it. We need some facts here that you can

swear to under oath that will allow me to sign a warrant so that places may be searched and specific things described with particularity can be seized.

So having had that history, I was quite surprised to find that under the PATRIOT Act—and, actually, this note is from the Electronic Frontier Foundation. I am not familiar with them, but they have a good synopsis on National Security Letters:

NSLs are currently authorized by four Federal statutes: the Electronic Communications Privacy Act, the National Security Act, the Right to Financial Privacy Act—which is kind of ironic; they don't need probable cause to get your records under the Right to Financial Privacy Act, that is amazing—the Fair Credit Reporting Act, and also the USA PATRIOT Act.

This article described the way they work pretty well:

Although there are procedures for review after they are issued, National Security Letters can be issued by the FBI without any judicial oversight.

The FBI must certify that the records sought are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities."

We were assured during the reauthorization of the PATRIOT Act that this was only used to go against or to investigate foreigners who were either part of a known terrorist organization or known terrorists themselves or had relations with a known foreign terrorist organization.

I had asked in one of our meetings with Justice Department people: Well, what about the other reason you can send out a National Security Letter and just siphon up all of somebody's records from a third party?

That is called clandestine intelligence activities.

And I was told: Oh, no, we don't really use that.

I said: Well, I would like to know what that means, clandestine intelligence activities. Does that mean if my next-door neighbor is kind of hiding behind the curtain and watching what is going on at my house—that is clandestine, they are seeking intelligence what was happening next door—does that mean you can scoop up all their records?

The answer basically was: No, we don't really use that part.

□ 1815

That was so vague, it bothered me. Our chairman at the time was a great man, JIM SENSENBRENNER, but he was not about to allow any changes to that, so it is still there 15, 16 years later.

We kept being assured by everybody that there are never any abuses to the National Security Letters. But it concerned me because if all it took was an FBI agent just signing something saying, "I need this for an investigation," who is to be sure it really was?

I kind of like the warrant system, where you have to go to a judge and establish with particularity the person to be seized or the things to be seized or the place to be searched.

I remember when I was an assistant DA. We had kind of an interesting deputy who people would kind of roll their eyes about. He was constantly coming in, asking for a warrant. As assistant DA, I got to know him.

He was a nice guy, but he came in once and said: I know I have been harassing you, trying to get a warrant. I know there are people smoking dope out in this little bitty community. They have a little bitty store there, and I found out the people I think are smoking dope are going to have a party Friday night. I have good authority they are going to have potato chips there. That little store was just recently burglarized late at night, and one of the things they took was potato chips. So, I want to get a warrant to go into these people's home looking for potato chips, and then I will look for the dope while I am there.

I said: Well, is there any way to identify the potato chips that were in this store that were stolen?

No, no. But, see, that is the beauty. While I am looking for potato chips, I will just kind of look around for dope.

I said: That is not adequate to establish probable cause to go busting into somebody's house looking for potato chips if you can't identify they were the ones that were stolen.

Anyway, he was very upset that I wouldn't draft up the application for a warrant, his affidavit, because he thought he had a great way to do it.

Well, what I didn't know back then was that there would be Federal statutes established after 9/11 that you don't need to go get a judge to say, yes, there is probable cause to believe a crime was committed and this person did it or probable cause to believe that you could find the fruits of a crime at a particular described location. No, no, you just have an FBI agent send a National Security Letter saying: I am investigating a matter, and I need you to give me all the records you have on a certain individual or a certain business. And by the way, under this NSL law, if you tell anybody that you got this demand for records, then you will have committed a felony, and we will prosecute you.

Now, back then, it didn't say you could even tell your lawyer. But the President George W. Bush administration Justice Department said: But we are interpreting it to mean that somebody who receives a National Security Letter demand for production can talk to their lawyer. We won't prosecute anybody for talking to their own lawyer.

Well, wasn't that generous. But we were assured, both privately in meetings and under testimony, that there were no known violations of the law on National Security Letters. It was always to go after foreign terrorists or people that associated with foreign terrorist groups; that is what we are doing.

It still was a concern. That just seems like so much power. Eventually,

it was included that, gee, you had to get higher up approval before you sent out the National Security Letter.

But the Attorney General at the time—really good, decent guy, Alberto Gonzales—he had indicated that he was not aware of any known violations of the law under the National Security Letter laws. Unfortunately for him, he testified before—and I don't have any of the information; I am just going off my institutional memory from those days. He had testified before a Senate committee that, yeah, there were no known violations of the law on National Security Letters.

Well, unfortunately for him, there was a DOJ inspector general report, as I recall, that had been on his desk for 3 days. The IG said there may be as many as 3,000 violations of the law in gathering information under National Security Letters, where FBI agents just wanted to find out about somebody, some business, so they sent a letter demanding records about the person or the business, saying give me all you have on this person or business, when there was not a case, not probable cause of anything, not a known terrorist involved or known terrorist organization. They just wanted information about somebody, something, and so sent them out.

I had seen that Senator SCHUMER was really upset. He felt like they had been lied to when he found out there had been an IG report 3 days before, that the Attorney General had, when he said there were no known violations.

I ran into Senator SCHUMER here on the Hill—I think it was the next day, within a couple of days—and I said: Say, I saw you had our Attorney General, giving him a hard time about the violations of the National Security Letter. That is something I have been upset about, then to find out there may have been more than 3,000 violations, just fishing expeditions.

He said some things that were not complimentary about the head of the Justice Department. And he said: I don't know why the President doesn't just let him go and hire somebody else.

I said: Well, I can tell you why he doesn't, and that is because we figure you would not allow a new appointee to get through committee, and we don't need to go—I think it was a year-and-a-half left—without a real Attorney General.

And he said: No, look, there are people I know we could agree on if they would just try.

But he felt like we needed a new Attorney General.

Well, the thing is, the FBI Director at that time was a guy named Mueller, and it was really a problem that should have fallen directly at the feet of Director Mueller. It was his FBI. He could have supervised them more thoroughly, especially when we are talking about thousands of abuses of people's rights and abuses of the National Security Letter use, seizing people's information, personal as it is.

But I thought about all of that when seeing Bank of America had turned over all of this information to the Federal authorities, the FBI, I guess. It made me wonder if maybe they were back to their old ways of abusing the NSLs, no probable cause that a particular person committed a crime at all, just on fishing expeditions. I wondered if maybe they used the NSLs to go on those fishing expeditions and caught lots of honest, innocent Americans in their net.

Now, going back to that, when I first got here, we had a lot of friends on the Democrat side of the aisle who were extremely concerned about civil rights, just like Senator SCHUMER was extremely upset to find out the FBI had violated potentially thousands of people's basic civil rights, seizing information about them, without having any probable cause, violating the Fourth Amendment and possibly Fifth. But that was a different time.

In fact, I was concerned, and I called the White House, asking for the Chief of Staff, Josh Bolten at the time. I felt like he was a really good, decent guy. He was in a meeting with President Bush at the time, but he called me back.

I told him about the concerns, that a lot of people on both sides of the aisle are upset that our Republican administration was abusing people's rights like that, just using National Security Letters willy-nilly, and that we needed some change. They couldn't do it unless they knew they had an agreement to get through somebody else.

What I should have done—I made a mistake—I should have been demanding that Mueller go, and we get a different FBI Director. But anyway, I suggested somebody that could talk friendly with Senator SCHUMER, give him a call and see if they could agree on some replacements.

Anyway, we ended up with Attorney General Mukasey. I felt like he was a very honorable man. I had nothing to do with who was picked, but apparently, there was an agreement between the White House and Senator SCHUMER and others, potentially.

But all of that came back to mind as I saw that a bank—I think the second biggest in the country—was turning over information without apparently getting any warrant. But really, it is a problem of the National Security Letter.

We got into a discussion back at reauthorization. I heard from the Department of Justice, saying: Look, this is such an important tool.

I am going: But it is so easily abused. There have to be more checks and balances here.

Back at the time, Democrats on the Judiciary Committee here in the House were concerned, but there were not enough of us concerned to completely, radically change the National Security Letter laws or to do away with it, so they are still around all these years later.

I am hoping that we can get some people on both sides of the aisle. Democrats are in the majority. I would love to see a hearing where we could get down to it. If it needs to be under classified conditions, closed, whatever, but we really need to take another look at this, because it could just completely depend on the administration.

I would hope that maybe with as much hatred as some people have for former President Trump, maybe they thought, gee, what if he got reelected, then he could put people in place that used those National Security Letters to go after all the people he didn't like.

□ 1830

Maybe that would be enough to encourage people who hate former President Trump to actually take some action to really try to secure people's civil rights that have been violated for years, and all under the guise that we are protecting ourselves from either international terrorism or clandestine intelligence activities, whatever that is.

So, anyway, that came back to mind. It is still something that should be done. There is a story here my staff was able to find from The New York Times back in 2007, when they were a little more trustworthy, but it is titled "FBI Head Admits Mistakes in Use of Security Act."

And that was Mr. Mueller. He embraced the responsibility for the lapses, but he was punished by giving him 2 extra years as Director of the FBI. That allowed him to continue the poor supervision that allowed these kind of what he called lapses.

In this article, it says, "How could this happen?" Mr. Mueller asked rhetorically in a briefing at the headquarters of the FBI. "Who is to be held accountable? And the answer to that is, I am to be held accountable."

But the truth is, he was never held accountable. In fact, he was actually rewarded. And Attorney General Gonzales paid the price for his huge failure.

So that is rather tragic. That is something I am hoping that we could work together on, Democrats and Republicans, because civil rights, it appears, are being trampled once again. I don't know if there was a pause in the trampling, but, regardless, we need to be doing some serious oversight.

Now, I have an article here from Yael Halon. It says, "DeSantis bracing for 'big fight' over Big Tech crackdown: 'We're buckled up.'"

And that is another area where it is not the government that is abusing people's rights, but it is the high tech.

I recently reread George Orwell's "1984," and as I understand, I believe it was 1947 that he wrote it. He was dying, as I understand, of cancer. He had gone, I believe it was, to Scotland. He had been through some treatment that was pretty rough. So some think that may have helped him with imagination on how people could be tortured. But incredible.

I mean, in the late 1940s there were very, very few televisions around. And I know where I grew up in east Texas, there were hardly any at all. Even up until 1953, there were very few.

But here it is, right after World War II, and George Orwell is talking about this big brother. Of course, under the rules of the House, we are not supposed to talk about brothers, but this big sibling I believe is the word we are supposed to use. So big sibling watched and listened to everything everybody did, and they would use a telescreen. Which back then, you know, there were no flat screen TVs, but that is what is conjured up when you think about a telescreen.

Televisions were rare, and this guy already is imagining that someday the government will be watching you through this big screen. And nowadays that is your phone, that is your computer. And I know I had heard from an intelligence friend, you know, that they could watch people through their camera on their computer; and so I started putting a little sticky note on my computer.

One day, at the Judiciary Committee, the head of the FBI came in, and I noticed he had a little sticky note over the camera on his computer, and I thought, well, he knows what they can do, and if he is putting a sticky note over his camera, maybe he doesn't want to be watched by big sibling either.

But, anyway, now the big tech industry can watch everything you do, everything you look up. They can listen to you. We had an IT helper come in. And I just don't like the idea that somebody, whether in high tech or government, could be watching or listening when there is no crime that is being committed. I asked the IT guy: "Can you take Siri off of my stuff?"

I just hate Siri. And Siri's voice came up and said: "That is not nice."

Whoa. I would just as soon not have Siri, Alexa, anybody watching and listening to everything that is going on. No crime is being committed.

It is not a crime to go to the bathroom here, even though I am being fined \$5,000 for it. Hopefully that will be corrected. But that is just a little unnerving. Yet George Orwell foresaw that this big sibling would be out there someday watching and listening.

So I really appreciate my old friend, Congressman Ron DeSantis as Governor of Florida. This article says he "took aim Tuesday at the country's largest technology companies, which he characterized as a group of 'monopoly communications platforms' based on how they have grown to regulate public discourse . . . DeSantis announced a crackdown on tech companies over content moderation, which he equated to political manipulation, reiterating a belief held by many conservatives that Silicon Valley is biased against right-leaning viewpoints."

Parenthetically, here is an article in Time magazine by Molly Ball, "The Se-

cret History of the Shadow Campaign that Saved the 2020 Election." And, of course, she characterizes—well, I say she. I don't know. Molly may be a guy—but characterizes what went on as being justified, but try to save the election for then-Senator Biden. And it is quite interesting, but there is no question there was tremendous manipulation of information by the high-tech industry, even though that person, Molly, has a different perspective.

The article by Yael Halon goes on to say: "We think this is something that Floridians want protection from, and I think it will end up being a really good first step," DeSantis told 'Tucker Carlson Tonight' on Tuesday.

"There has always been the question, 'What do you do about this?' A lot of us have thought there was something wrong for a long time, but to sit back and hope it gets better, that clearly wasn't going to work. So we're leading and I think it will be good.

"In an effort to keep big tech out of Florida's political sphere, DeSantis proposed a number of measures, including a \$100,000 daily fine"—not for going to the restroom right off the floor—"for companies that deplatform political candidates. Additionally, actions taken by companies to effectively promote a candidate will be considered campaign contributions.

"The Governor proposed measures to enhance user rights as well, including allowing individuals and the Florida attorney general to sue companies over violations of individual protections, as well as requiring companies to provide full disclosures of actions taken against individuals for violating policies.

"It's not just being banned from Twitter. As we've seen, these companies can collude," DeSantis told host Tucker Carlson. "They can deny you, if you're a small business . . . payment processing, the ability to use e-mail and text. So you go to a rally that they don't like or you engage in wrongthink, and all of a sudden, your flower business is decapitated for a month because they take action.

"The Republican acknowledged that the initiative will likely cause a 'big fight in the legislative session.'

"Hopefully, we can get a lot of support," he said. "Most folks do want protections for their privacy and data. Most folks want protections from being de-platformed. I think it will be very positively received, but we're buckled up. We know there are always fights over these things, so stay tuned."

So we will see what happens. But in the meantime, I am sure some would want to blame it on conservatives or Republicans.

There is a report out from Mar Chastain: "2020 Homicide Rate So High There is 'No Modern Precedent.'"

But if you look at what brought about the 2020 homicide rate so high there is no modern precedent, we are talking about the group that had been protesting, looting—even though the

lamestream media calls it mostly peaceful—the killing, the brutalizing, the fires, the trying to burn and kill police in their own station, those things have gone on.

And until the Capitol was invaded—which was totally wrong. It doesn't matter, Republican, Democrat, Socialist, whatever, it doesn't matter, it is wrong. And despite my quoting the Speaker, her comment about surprised there are not riots in the street across the country, I do not advocate for violence. Never have. Don't advocate for violence.

As a historian—and I never quit studying history, reading, finding out more—it is very clear that some things do help trigger violence. Just as if you seal a heating pressure cooker, it is going to create a terrible reaction.

And as I pointed out before, you know, we in this country created courts. And in some cases it is the legislative job to resolve disputes civilly, and that normally avoids violence. Now, sometimes we have violence erupt in courtrooms. That happens. But as I have told people in my courtroom, you know, the courts often are the last civil bastion where we work things out. No violence. We punish people for violence. But this is where we come to civilly resolve disputes. And when you have courts repeatedly refuse to even have a hearing, take evidence, and resolve disputes, it does create problems. And I don't want those problems. I don't want violence from anybody. The odds are you increase chances of not having violence when our institutions constitutionally created to resolve disputes civilly do that.

□ 1845

And I hope that is what we will do here and do a better job of it than has been done.

But it used to be during the Revolution, one of the most common expressions often attributed to Voltaire—I have read some places that maybe somebody said it before Voltaire—but the line that Founders often said was: "I disagree with what you said, but I will defend to the death your right to say it."

And now we come to a place in America where people feel like, well, I disagree with what you say, so I hate you. I hate your family. I am going to try to get you fired, and I hope we can get you put in jail. And I hope your children die and never get a job and can't take care of themselves.

I mean, it has gotten really viscous in some places in this country.

And I was raised in a family where meals were pretty lively because everybody was fairly intelligent and we had some very heated discussions. But we still loved each other. And, I mean, there are people in this body that I really love, you know. I think they are wrong about really critical issues, but we could come in here and argue and debate and fuss. Since I have been here, maybe one time it was different. But

when people in here say, we are going to fight this, they are not talking about violence. They are talking about debate.

That is what I am talking about. But we need to get back to the institutions designed under Federal and State constitutions to resolve disputes civilly.

One of the problems with this whole Russia hoax, the guy that was slam-dunk guilty of fraud upon the FISA court of lying under oath was just allowed to plead and get probation. And I said when the article came out—I think it was December of 2019 that Kleinsmith had changed the information to help them in what amounted to be illegally getting a warrant against somebody in the Trump campaign—I said, I hope they are not going to use him as a scapegoat when there are so many in the DOJ or FBI that lied under oath.

They committed what certainly appeared to be crimes. I will say, Durham entirely dropped the ball. The information should have been out long ago so people would know what was true and not have to rely on big tech to lie to them or manipulate them. But he dropped the ball.

And so it appears to many people that there is a double standard when it comes to justice.

If you are a part of the DOJ, FBI, or intelligence and you favor Democrats, it appears you get a better deal, but we will see.

This is Friday and, Mr. Speaker, I know it is Friday and I am told I am the last speaker of the day. You have been immensely gracious, and I hope you have a good weekend.

I yield back the balance of my time.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON THE JUDICIARY
FOR THE 117TH CONGRESS
HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 5, 2021.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, I submit the Rules of the Committee on the Judiciary for the 117th Congress for publication in the Congressional Record. On February 4, 2021, the Committee met in open session and adopted these Rules by voice vote, a quorum being present.

Sincerely,

JERROLD NADLER,
Chairman.

RULES OF PROCEDURE

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.

(b) Additional meetings may be called by the Chair and a regular meeting of the Committee may be dispensed with when, in the

judgment of the Chair, there is no need therefor.

(c) The Chair shall furnish each Member of the Committee or Subcommittee with the date, place, and a list of bills and subjects to be considered at a Committee or Subcommittee meeting, which may not commence earlier than the third day on which Members have notice thereof (excluding Saturdays, Sundays and legal holidays when the House is not in session).

(d) At least 48 hours prior to the commencement of a meeting for the markup of legislation, the text of such legislation shall be made publicly available in electronic form.

(e) In an emergency that does not reasonably allow for the notice as requirements in (c) and (d), the Chair may waive the notice requirements with the concurrence of the Ranking Minority Member.

(f) To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing or electronically to the designee of both the Chair and Ranking Member at least 24 hours prior to the consideration of the measure or matter. The Chair may give priority to amendments submitted in advance.

(g) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(h) Every motion made to the Committee and entertained by the Chair shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(i) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof for which a majority is not required, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or Subcommittee, respectively.

(j)(1) Subject to subparagraph (2), the Chair may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chair shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(k) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.

(l) Without further action of the Committee, the Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chair considers it appropriate.

RULE III. HEARINGS

(a) The Committee Chair or any Subcommittee Chair shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chair of the Committee, or Sub-

committee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chair or Subcommittee Chair shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the hearing because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted.

(f) Prior to approval by the Chair of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared that specifies, to the extent possible, any deviation from Rule III of the Committee rules, and incorporates an agreement for the publication of the verbatim transcript. The Chair shall provide this memorandum of understanding to the Ranking Member prior to the commencement of such hearing.

RULE IV. SUBPOENAS

(a) A subpoena may be authorized and issued by the Chair, in accordance with clause 2(m) of rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

(b) In addition, a subpoena may be authorized and issued by the Committee or its Subcommittees in accordance with clause 2(m) of rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed by the Chair or by any Member designated by the Committee.

(c) At least two calendar days (excluding Saturdays, Sundays, and legal holidays when the House is not in session) before issuing any subpoena pursuant to subsection (a), the Chair shall consult with the Ranking Member regarding the authorization and issuance of such subpoena and shall provide a full copy of the proposed subpoena, including any proposed document schedule, at that time.

(d) The requirements of subsection (c) may be waived in the event of an emergency that does not reasonably allow for advance written notice.