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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We receive this day from You, our God, with all of its uniqueness. Thank You for the fresh possibilities and opportunities. Use our lawmakers today as a creative force for good. Give them the discernment to see what new thing You are doing in our day, and the willingness to receive Your guidance. Remind them that to whom much is given, much is expected. May Your love reach out through them to touch our hurting world.

Lord, increase our hunger and thirst for righteousness and freedom.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the time for the two leaders, we will have a brief period for closing remarks related to S. 2271, the PATRIOT Act amendments legislation. The vote on passage of that bill is scheduled for 10 a.m. this morning. Immediately following that vote we will recess in order for the Senate to proceed to the House of Representatives for the joint meeting. The purpose of that 11 a.m. joint meeting is to hear an address by the Prime Minister of Italy. We will return to business following that address at 12 noon to continue work on the PATRIOT Act. We will have a cloture vote on the underlying conference report to accompany the PATRIOT Act legislation.

There are two additional procedural votes that may be requested from the other side of the aisle. We should not need those. I hope we do not have to proceed with those votes so we can expeditiously proceed to the cloture vote. If all of these votes are necessary, we could have three consecutive votes around noon today.

Once cloture is invoked, we wish to work out a time for the adoption of the PATRIOT Act conference report with no further delay.

In addition to the PATRIOT Act, we are working on a process to consider the LIHEAP bill introduced by the senior Senator from Maine. Yesterday I filed a cloture motion on the motion to proceed to that bill. I hope that will not be necessary, but I will continue to consult with Senators about a process that allows the Senate to vote on the underlying LIHEAP issue. In the meantime, this cloture vote would occur tomorrow unless some other agreement is worked out.

Again, I remind our colleagues to be prompt for this morning's vote so we can recess on time and proceed to the joint meeting.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

SENATE SCHEDULE

Mr. REID. Mr. President, I hope it is not necessary to have cloture on the LIHEAP matter. It has been cleared on our side and I understand the distinguished Senator from Tennessee is doing everything he can to have it cleared on his side. If the cloture vote is necessary, we will move forward as rapidly as possible. It is something we need to do. Both Senator FRIST and I have committed to move this bill as quickly as we can. I hope that can be done.

Mr. FRIST. Mr. President, could I ask, through the Chair to the Democratic leader, to express an opinion first, and that is we absolutely have to proceed with this pensions legislation. I know my distinguished colleague has come to the floor and said certain things about why we are not proceeding to conference, but it does come down to the fact that in November we passed this bill and the House passed it about a month later. At that point in time I said the conferees would be seven and five. As the Democratic leader knows, that is, after consultation—with consultation to the Democratic leader—the prerogative of the majority leader. I have been consistent with that.

We have waited a couple of months for a response and the Democratic leader has given us a response, but the response is that it is unacceptable, we need more people—because of things going on within their caucus.

I think it is time to stop—both. Everybody stop playing games and let's get to conference. It is an important issue. We had this April 15 deadline. We finished work on the floor now 3 months ago, and yet we had this bickering about the number of conferees. I know it is tough. We have been in conversation about what those numbers should be. It is going to be 7 to 5. And it is tough. The tax reconciliation bill we just did was 2 to 1. It is always tough, telling our fellow Senators that, no, you can't be on this conference report because we want a reasonable number of people.

I would make another plea that we proceed, that the other side of the aisle

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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appoint their five. We are ready to appoint our seven. We could go to conference this afternoon. We could address the issue. It is alleged either that there are other sort of motivations on our side or that we are not interested in this pension bill. It is gamesmanship and partisanship and it is wrong. It is time to get to the bill itself. We care about it. It is important to the American people. We have done the work on the Senate floor. We have the number of conferees. My seven are ready to go and I make another plea to the Democratic leader to step up and do what the American people expect, appoint conferees and go to conference.

Mr. REID. Mr. President, I have some remarks I was going to make on the pension conference and I will do that. But in response to my friend, the majority leader, partisanship is in the eyes of the beholder. We believe this conference is so important. It involves the jurisdiction of two committees, Finance and HELP. This is a Senate conference. It is not a Republican conference or Democratic conference, it is the Senate. The Senate is going to be represented in conference. I suggest to my friend, the majority leader—he came to the floor last week and suggested, rather than 8 to 6, which I suggested, that it would be 9 to 6.

We could resolve this very quickly. I would be happy to work with nine Republicans and seven Democrats—the two-vote majority we have agreed with. That is fine. The Senate has 55 Republicans and 45 Democrats. But I don't think it is unfair, and I don't think it has any partisanship involved. We have worked very hard from the very beginning on this bill to not have a partisan bill. I worked very hard, personally, as did Senator KENNEDY and Senator BAUCUS, to do what we could to eliminate extraneous amendments and we did that. It was not easy, but we did it. That bill got out of here very quickly. It passed; 97 Senators voted for this legislation.

Maybe it solves the problems to go 9 to 7 rather than 8 to 6. I am willing to be reasonable in this. I think I have been. But I do not think it is being unreasonable; I do not think it is being partisan. If I suggest, with two major committees on a very complex piece of legislation, that we have six Democrats representing the Senate in the conference, I don't think that is asking too much.

I have had calls from my friends downtown, people who represent interested parties. I have told my friends we are ready to go to conference—yesterday. All we want is to have a fair makeup of the conferees.

I ask the distinguished majority leader to reconsider. This 7 to 5—there is nothing set in stone that that is the way it should be. We have had conferences where we have had 27 to 23 conferees representing the Senate in a conference. So I don't think it is asking too much to have 14 Senators, involving two of the most important committees in the Senate, to go to conference with the House.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, it is apparent where we are. What I do not want to see happen is that this escalates into comments from the other side accusing us of not caring about this bill. We have led on this bill. We finished it in November. The House finished it in December. Right after that I said the ratio will be 7 to 5. It is an internal problem within their caucus that we have to address and that is what leadership is all about—in terms of picking five people and picking seven people and then proceeding to conference.

It is almost as petty that it plays into this pattern of obstruction. It is what is going on. I went through my whole opening there—we have been on this PATRIOT Act now for weeks and weeks with procedural move after procedural move after procedural move on a bill we know is going to pass overwhelmingly.

When you see what happens there, and then you see this postponement and obstruction on a pensions bill we care passionately about, that the American people care about, that hundreds of thousands of people's futures depend on, that is disturbing. We have to step above it. That is what the American people expect us to be doing.

I am concerned. The Senate Democrats are refusing to go to conference with 7 to 5. They have had 2 months to address this within their caucus. I proposed if you can't appoint five and you can't convince five people to represent you, then we will go to six and then we are going to go to nine. That will be a counterproposal. If that is unacceptable, go back to 7 to 5.

By precedent, it is the majority leader who can set the numbers, and the numbers do vary all over the place. We set it at 7 to 5 from day one and it is 7 to 5 again today. I understand there may be a legitimate dispute on the other side of the aisle. You have too many people who want to be on this conference and decide who gets to serve. But I am beginning to think—I think it is becoming apparent to outside people who are interested in this bill—that this is fitting into a pattern of more postponement, more delay, more obstruction. What I think is unfair and wrong is to try to turn that and say it is because we don't care about pension legislation.

Anyway, we could go on and on forever. We will talk more about the details of this. Let's get on with it. The American people deserve more. This is petty politics and it is time to rise above it.

Mr. REID. Mr. President, as I said a few minutes ago, partisanship is in the eye of the beholder. Obstruction is in the eye of the beholder. I think if this were a jury out there, they would say: I heard Senator REID say he is willing to go to conference in a minute or two. What he wants is to have the conference have six Democrats and eight Republicans. Is there anything obstructionist about that? The distinguished majority leader talks about problems with the Senate Democrats. There is no problem with the Senate Democrats. We want to go to conference. But it appears to me maybe this is all a ploy not to have a bill.

It is not unreasonable, when you have the Finance Committee and the HELP Committee, to say there should be three from Finance and three from the HELP Committee. Then, to show how unreasonable this is, the majority leader says: Well, I will have nine and you have six.

I would say to a jury, if we were talking to a jury: Who is more reasonable? But it all boils down to the fact that another day has gone by and the Senate has been unable to appoint conferees to the pension reform bill. We have millions of Americans worried about their pensions. This legislation will help and we need to get it moving.

Once again, let me be very clear. We want to go to conference. We can name conferees right now and send the bill to the House so they can name their conferees.

We are not interested in delaying the bill. We support it and want it to go to conference. Delaying the conference on pension reform has real consequences.

Each day that there is a delay in naming conferees is another day that employers don't know what rules they will need to follow in funding their pension plans.

This uncertainty could lead some employers to decide to discontinue their pension plans. We have seen several companies make that decision recently. A delay in moving forward with this bill could only exacerbate this trend.

I am coming to the conclusion that maybe the majority does not want this pension reform bill.

Each day we delay is another day of uncertainty for those employers who offer so-called ''cash balance'' pension plans.

Conflicting legal decisions on the applicability of age discrimination rules on these plans have forced some sponsors to drop their pension plans. The Senate's inability to move forward with this legislation also delays improvements for workers whose employer converts to a cash balance plan.

Each day that we delay is another day that employees will be left in the dark.

Each day we delay is another day that employees will be prevented from diversifying away from employer stock in their 401(k) plans.

This change is an outgrowth of the situation surrounding the collapse of Enron where, as we speak, ex-Enron officials are in criminal courts. That change is an outgrowth of their situation, where employees were prevented from selling company stock which they held in their retirement plans. Each

day that we delay is another day that workers would not get transparent financial information on their pension plans. Each day we delay is another day that benefit protections for divorced and surviving spouses aren't made.

Each day that we delay is another day that many of our Nation's airline employees must wait to see if Congress will provide their industry the relief that will allow them to keep their pensions.

The only thing preventing us from appointing conferees is an agreement on the size of the Senate's delegation. The majority leader insisted on limiting the delegation to 12 Members, 7 Republicans and 5 Democrats.

We agree with the two-vote margin. We don't like it, but we agree.

We believe that limiting the number of Democrats to five unnecessarily shortchanges not only Democrats but the entire Senate of the expertise that will prove successful in reaching agreement with the House of Representatives on a bill that can attract a strong majority of support in the Senate.

I repeat. This is not a Senate Republican conference, it is a Senate conference.

We are not contesting the Republicans' desire to have a two-vote advantage when we get to conference, but we believe it is important to have each committee adequately represented.

The majority leader has offered to expand the delegation by one but only if he gets two additional Republican conferees. He said: I will give you one Democrat, but I want two. That is the 9-to-6 ridiculous proposal that has been made. It doesn't have to be 7 to 5. It can be 8 to 6, it can be 9 to 7. I have no problem in selecting people to go on the conference. I certainly don't think it should affect the majority leader. If he doesn't like 8 to 6, let him put another Senator on. Have it 9 to 7.

All we are asking is that a sufficient number of conference, conferees are appointed to the conference. Having 14 conferees in the ratio of 8 to 6 gives the Senate the best opportunity to bring back a bill from conference that will garner support from the Senate.

Let the RECORD be very clear. Democrats have worked closely with our Republican colleagues every step of the way on this legislation. The result has been a very strong bipartisan bill.

I hope that the majority leader will consider his opposition to our request so we can move forward with this conference.

Together, we can improve our Nation's pension system and make America a better place.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The legislative clerk read as follows.

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist amendment No. 2895, to establish the enactment date of the act.

Frist amendment No. 2896 (to amendment No. 2895), of a perfecting nature.

The PRESIDENT pro tempore. Under the previous order, the time between now and 10 a.m. will be equally divided.

Who seeks time?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

All time has expired.

The question now is on agreeing to the Frist amendment numbered 2896.

The amendment (No. 2896) was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the Frist amendment numbered 2895, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—81

Alexander	Collins	Hutchison
Allard	Conrad	Inhofe
Allen	Cornyn	Isakson
Baucus	Craig	Johnson
Bayh	Crapo	Kennedy
Bennett	Dayton	Kerry
Biden	DeMint	Kohl
Bond	DeWine	Kyl
Boxer	Dole	Landrieu
Brownback	Domenici	Lautenberg
Bunning	Dorgan	Leahy
Burns	Ensign	Lincoln
Burr	Enzi	Lott
Carper	Feinstein	Lugar
Chafee	Frist	Martinez
Chambliss	Graham	McCain
Clinton	Grassley	McConnell
Coburn	Gregg	Mikulski
Cochran	Hagel	Murkowski
Coleman	Hatch	Nelson (FL)
Nelson (NE)	Sessions	Sununu
Pryor	Shelby	Talent
Roberts	Smith	Thomas
Salazar	Snowe	Thune
Santorum	Specter	Vitter
Sarbanes	Stabenow	Voinovich
Schumer	Stevens	Warner

NAYS—18

Akaka	Feingold	Murray
Bingaman	Harkin	Obama
Byrd	Jeffords	Reed
Cantwell	Levin	Reid
Dodd	Lieberman	Rockefeller
Durbin	Menendez	Wyden

NOT VOTING—1

Inouye

The amendment (No. 2895) was agreed to.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF THE REPUBLIC OF ITALY

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered. And under the previous order, the Senate will stand in recess until 12 noon for a joint meeting of Congress.

Thereupon, the Senate, at 10:42 a.m., took a recess, and the Senate, preceded by the Assistant Sergeant at Arms Lynne Halbrooks, the Secretary of the Senate, Emily J. Reynolds, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear an address delivered by the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy.

(The address delivered by the Prime Minister of the Republic of Italy to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 12:01 p.m., the Senate reassembled and was called to order by the Presiding Officer (Ms. MURKOWSKI.)

The PRESIDING OFFICER. The majority leader.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—Continued

Mr. FRIST. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Madam President, I ask unanimous consent that following the passage vote, the Senate vote on the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the conference report to accompany H.R. 3199; I further ask consent that if the motion to proceed is agreed to, the Senate vote immediately on the motion to reconsider and, if agreed to, then the Senate vote on the motion to invoke cloture on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FEINGOLD. Madam President, I have been to the floor several times in the past few days to try to convince my colleagues that we should not be reauthorizing the PATRIOT Act without addressing the legitimate concerns of law-abiding Americans across the country. I am under no illusions that I will have more success making that argument now than I had yesterday, or the week before the recess. And I know that some of my colleagues may be wishing I would sit down and stop badgering them about this. But the stakes are too high to sit idly by while the Senate prepares to disappoint the millions of Americans who have been hoping, asking, advocating for years that we fix the PATRIOT Act.

Some may see the vote we are about to have as relatively trivial. They are mistaken. While the bill we are voting on makes only minor and, to quote the senior Senator from Pennsylvania, cosmetic changes to the PATRIOT Act, its significance is far greater. This bill is, to again quote Senator SPECTER, the ''cover'' that will allow colleagues to support the PATRIOT Act conference report that was blocked in December. A vote for the bill introduced by my friend from New Hampshire is effectively a vote to perform cosmetic surgery on that ugly conference report. Anyone who opposed that conference report should oppose S. 2271 because cosmetic changes simply don't cut it when we are talking about protecting the rights and freedoms of Americans from unnecessarily intrusive Government powers.

So I ask my colleagues to reconsider their position. The White House, along with its allies, has tried to make life uncomfortable for some of them. It has suggested they are soft on terrorism, that they don't understand the pressing threat facing this country, that they are stuck in a pre-9/11 mindset. These cynical and baseless attacks come from a playbook that the American people are by now very familiar with. Those attacks should be rejected, not accommodated. We can fight terrorism aggressively without compromising our most fundamental freedoms against Government intrusion. The Government grabbed powers it should not have when it passed the original PATRIOT Act and we should not be ratifying that power grab today. The PATRIOT Act reauthorization conference report is flawed. It needs to be fixed. S. 2271 pretends to fix it but I don't think anyone is fooled, least of all our constituents. They are watching and they will want to know how a bill that is so trivial on its face protects their civil liberties. It doesn't. It should be rejected. And the Senate should get down to the serious business of legislating real fixes to the PATRIOT Act. I urge my colleagues to oppose the bill.

Mr. LEAHY. Madam President, earlier this month, I joined with a majority of Senators in voting to proceed to consideration of S. 2271. I said then that the bill made modest improvements over both the original PATRIOT Act and the reauthorization proposal produced by the House-Senate conference. I said, too, that the bill included one set of changes that I strongly opposed, and that I hoped there would be an opportunity to make further improvements to the bill, the conference report, and the PATRIOT Act.

Regrettably, no sooner had the Senate voted to proceed to S. 2271 than the majority leader filled the amendment ''tree'' with sham amendments, locking out real amendments that sought to improve the law further. An amendment that I filed but was denied the opportunity to offer would have corrected one of the most egregious ''police state'' provisions regarding gag orders. Senator FEINGOLD also filed but could not offer amendments aimed at bringing the conference report more in line with the bipartisan reauthorization bill that every Member of the Senate approved last year. In light of the abuse perpetrated by the Republican leadership, I felt compelled yesterday to oppose cloture on the bill and the stifling of meaningful debate.

Today's vote is a different and more difficult matter. Because the Republican leadership obstructed efforts to improve the bill, the ''police state'' provisions regarding gag orders remain uncorrected. This is a big step backward, in my view, from both the conference report and existing law.

At the same time, the bill takes two steps forward. It modifies a provision I objected to in the conference report that would have required American citizens to tell the FBI before they exercise their right as Americans to seek the advice of counsel. Chairman SPECTER and I worked together to correct this provision; Senator SUNUNU was able to improve it further in this bill and I commend his efforts.

Another significant change provided by the Sununu bill builds upon another objection I had and an idea I shared with him to ensure that libraries engaged in their customary and traditional activities are not subject to national security letters. This is a matter I first raised and feel very strongly about. I commend Senator SUNUNU for the progress he was able to make in this regard.

The bill is intended to clarify that libraries as they traditionally and currently function are not electronic service providers, and may not be served with NSLs for business records simply because they provide Internet access to their patrons. Under this clarification, a library may be served with an NSL only if it functions as a true internet service provider, as by providing services to persons located outside the premises of the library. I expect that this will occur rarely or never and that in most if not all cases, the Government will need a court order to seize library records for foreign intelligence purposes.

The language I proposed to Senator SUNUNU in this regard was less ambiguous than that to which the Bush-Cheney administration would agree. Still, my intent, Senator SUNUNU's intent and the intent of Congress in this regard should be clear. It is to strengthen the meaning and ensure proper implementation of this provision that I will support this bill. As a supporter I trust my intent will inform those charged with implementing the bill and reviewing its proper implementation.

I will continue to work to improve the PATRIOT Act. I will work to provide better oversight of the use of national security letters and to remove the un-American restraints on meaningful judicial review. I will seek to monitor how sensitive personal information from medical files, gun stores and libraries are obtained, used, and retained. Today, I will join Senators SPECTER, SUNUNU, CRAIG, and others in introducing a bill to improve the PATRIOT Act and reauthorization legislation in several important respects. While we have made some progress, much is left to be done.

Mr. KYL. Madam President, I rise today to comment on S. 2271, which I anticipate that the Senate will overwhelmingly approve today. I support the USA PATRIOT Improvement and Reauthorization Act Conference Report, with the three amendments negotiated contained in S. 2271. It is long past time to reauthorize the USA PATRIOT Act, which has been critical to our efforts to protect Americans. I support the compromise that has allowed this up-or-down vote because I think that the agreement maintains the tools necessary to fight terrorism while further strengthening safeguards to protect Americans' civil liberties just as the conference report itself does.

The conference report clarifies that the recipient of a section 215 FISA business records order or a National Security Letter, NSL, may disclose receipt to an attorney to seek legal advice or assistance and also to those necessary to comply with the request. During House-Senate negotiations, provisions were added allowing the government to request that the recipient tell the government to whom the recipient had disclosed the order or NSL. This provision makes sense because there will be times when the Government will need to know everyone who has been told about a section 215 order or NSL. For example, if there is a leak of the existence of the request, or the recipient's name, that leak may need to be investigated. And we know from the criminal conviction of Lynne Stewart that, unfortunately, sometimes it is the attorneys who are breaking the law.

Some Senators expressed concern that these provisions required all recipients to identify their attorney in all instances. This was a misreading of the language, which would have allowed the government to request the names of individuals to whom subsequent disclosure was made but did not set out a blanket requirement.

Other Senators were concerned that this provision could chill a recipient's right to counsel. It is clear under the law that the constitutional right to counsel would not be implicated or offended by the conference report provision. But in a spirit of compromise, the Administration agreed to modify the provisions such that they could not be used to request the identity of an attorney to whom receipt was disclosed. I support this amendment primarily because there is no way that the agreed-upon language would preclude the use of a grand jury subpoena or other investigative tool in the event of a subsequent leak investigation. So the government will still have tools available to investigate leaks as the need arises—even if the offending party is the recipient's attorney.

The conference report also makes it clear that the recipient of a section 215 FISA business records order can go to court and challenge the order. Some Senators raised concerns that under the conference report a recipient would have explicit rights to consult an attorney about the order and to challenge the order to produce business records, but would not have an explicit right to challenge the nondisclosure order that accompanies such a production order. I think it is likely that a court would entertain a constitutional challenge to the nondisclosure requirement, and nothing we say in a statute is going to change that one way or another. Moreover, it is important to remember that these are court orders—they are reviewed and approved by judges before they are served.

But notwithstanding my confidence that the conference report was fully consistent with Americans' civil liberties, the administration agreed to a compromise that explicitly authorizes judicial review of a section 215 nondisclosure order. I think the agreement is a good compromise—it explicitly allows challenges, but does so without risking national security. Pursuant to the agreed-upon language, a challenge could be brought any time after the first year after the judge issued the section 215 order; the challenge could only be brought in the FISA Court; and the standard of review would be the same as the standard the conference report provides for review of nondisclosure orders accompanying NSLs. The delay is perfectly appropriate and necessary to preserve valuable personnel resources—these orders are approved by judges before issuance, so it makes little sense to allow recipients to challenge the non-disclosure requirement only a week or even a day after the court issues them.

Taking the standard of review from the NSL provisions also makes sense. Not only did that standard pass both the House and Senate, but it affords the appropriate level of deference to the Executive branch's judgments on national security and diplomatic relations.

This standard provides that the FISA Court judge may set aside or modify the nondisclosure order if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal or counterterrorism investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If, upon the filing of a challenge to the nondisclosure order, the Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the FBI Director certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, the certification is conclusive unless made in bad faith.

Courts have long recognized that national security and diplomatic relations fall within the heartland of the executive branch's responsibility and expertise, and this standard simply recognizes that expertise. By requiring that the certification be made by a Senate-confirmed official before granting it bad-faith review, the conferees added political accountability—and I note that neither the House version nor the Senate version had this additional safeguard.

Finally, some Senators also expressed concern about the applicability of national security letters to libraries. This concern has always seemed to me to be based on a misunderstanding of the NSL statutes. There are several NSL authorities, but each authority only allows the government to request a narrow category of records from a narrow set of institutions. The statue that is generally in the news allows the FBI to request things like customer subscription records from ''wire and electronic communication service providers.'' And we have already made clear in statute what institutions qualify as ''wire and electronic communication service providers.'' The way I read the statute, and the way that experts read the statute, the FBI cannot use an NSL to learn what books you and I are checking out from the library.

But the compromise makes it crystal clear that the FBI may serve an NSL on a library only if that library is acting as a ''wire or electronic communication service provider.'' Just to be clear: we are not changing the set of entities that can be subject to NSLs; we are merely clarifying that libraries can be subject to NSLs only if they perform the functions that make an entity subject to NSLs. I can support this language because it does not create a safe haven for terrorists in libraries. If it did, I could not support the language.

It is well past time to pass this report, which passed the House with strong bipartisan support. A majority of Americans supports reauthorizing the USA PATRIOT Act, as does a strong bipartisan majority of Senators. I support this compromise.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—95

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Frist	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Salazar
Burns	Hutchison	Santorum
Burr	Inhofe	Sarbanes
Cantwell	Isakson	Schumer
Carper	Johnson	Sessions
Chafee	Kennedy	Shelby
Chambliss	Kerry	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Talent
Cornyn	Lieberman	Thomas
Craig	Lincoln	Thune
Crapo	Lott	Vitter
Dayton	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	Wyden
Dodd	McConnell	

NAYS—4

Byrd	Harkin
Feingold	Jeffords

NOT VOTING—1

Inouye

The bill (S. 2271), as amended, was passed, as follows:

S. 2271

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 ''USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006''.

SEC. 2. DEFINITION.

As used in this Act, the term ''applicable Act'' means the Act entitled ''An Act to extend and modify authorities needed to combat terrorism, and for other purposes.'' (109th Congress, 2d Session).

SEC. 3. JUDICIAL REVIEW OF FISA ORDERS.

Subsection (f) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by the applicable Act, is amended to read as follows:

''(f)(1) In this subsection—

''(A) the term 'production order' means an order to produce any tangible thing under this section; and

''(B) the term 'nondisclosure order' means an order imposed under subsection (d).

''(2)(A)(i) A person receiving a production order may challenge the legality of that order by filing a petition with the pool established by section 103(e)(1). Not less than 1 year after the date of the issuance of the production order, the recipient of a production order may challenge the nondisclosure order imposed in connection with such production order by filing a petition to modify or set aside such nondisclosure order, consistent with the requirements of subparagraph (C), with the pool established by section 103(e)(1).

''(ii) The presiding judge shall immediately assign a petition under clause (i) to 1 of the judges serving in the pool established by section 103(e)(1). Not later than 72 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the petition. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the production order or nondisclosure order. If the assigned judge determines the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established under section 103(e)(2).

''(iii) The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this subsection. Upon the request of the Government, any order setting aside a nondisclosure order shall be stayed pending review pursuant to paragraph (3).

''(B) A judge considering a petition to modify or set aside a production order may grant such petition only if the judge finds that such order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the production order, the judge shall immediately affirm such order, and order the recipient to comply therewith.

''(C)(i) A judge considering a petition to modify or set aside a nondisclosure order may grant such petition only if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person.

''(ii) If, upon filing of such a petition, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive, unless the judge finds that the certification was made in bad faith.

''(iii) If the judge denies a petition to modify or set aside a nondisclosure order, the recipient of such order shall be precluded for a period of 1 year from filing another such petition with respect to such nondisclosure order.

''(D) Any production or nondisclosure order not explicitly modified or set aside consistent with this subsection shall remain in full effect.

''(3) A petition for review of a decision under paragraph (2) to affirm, modify, or set aside an order by the Government or any person receiving such order shall be made to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition by the Government or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(4) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(5) All petitions under this subsection shall be filed under seal. In any proceedings under this subsection, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions thereof, which may include classified information.''.

SEC. 4. DISCLOSURES.

(a) FISA.—Subparagraph (C) of section 501(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)(2)), as amended by the applicable Act, is amended to read as follows:

''(C) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under subparagraph (A) or (C) of paragraph (1) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.''.

(b) TITLE 18.—Paragraph (4) of section 2709(c) of title 18, United States Code, as amended by the applicable Act, is amended to read as follows:

''(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request under subsection (a).''.

(c) FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—Paragraph (4) of section 626(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)), as amended by the applicable Act, is amended to read as follows:

''(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for the identity of financial institutions or a consumer report respecting any consumer under this section.''.

(2) OTHER AGENCIES.—Paragraph (4) of section 627(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)), as amended by the applicable Act, is amended to read as follows:

''(4) At the request of the authorized government agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized government agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for information under subsection (a).''.

(d) RIGHT TO FINANCIAL PRIVACY ACT.—

(1) IN GENERAL.—Subparagraph (D) of section 1114(a)(3) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)), as amended by the applicable Act, is amended to read as follows:

''(D) At the request of the authorized Government authority or the Secret Service, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government authority or the Secret Service the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the authorized Government authority or the Secret Service of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for financial records under this subsection.''.

(2) FEDERAL BUREAU OF INVESTIGATION.—Clause (iv) of section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)), as amended by the applicable Act, is amended to read as follows:

''(iv) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for financial records under subparagraph (A).''.

(e) NATIONAL SECURITY ACT OF 1947.—Paragraph (4) of section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)), as amended by the applicable Act, is amended to read as follows:

''(4) At the request of the authorized investigative agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized investigative agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request under subsection (a).''.

SEC. 5. PRIVACY PROTECTIONS FOR LIBRARY PATRONS.

Section 2709 of title 18, United States Code, as amended by the applicable Act, is amended by adding at the end the following:

''(f) LIBRARIES.—A library (as that term is defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)), the services of which include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally by patrons for their use, review, examination, or circulation, is not a wire or electronic communication service provider for purposes of this section, unless the library is providing the services defined in section 2510(15) ('electronic communication service') of this title.''.

This Act shall become effective immediately upon enactment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I ask unanimous consent that the following votes in this stacked series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA PATRIOT TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the conference report to accompany H.R. 3199.

Mr. ENSIGN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—86

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Enzi	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Frist	Pryor
Bennett	Graham	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Roberts
Bond	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Santorum
Burns	Inhofe	Sarbanes
Burr	Isakson	Schumer
Carper	Johnson	Sessions
Chafee	Kennedy	Shelby
Chambliss	Kerry	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Thune
Crapo	Martinez	Vitter
DeMint	McCain	Voinovich
DeWine	McConnell	Warner
Dole	Menendez	

NAYS—13

Boxer	Durbin	Levin
Byrd	Feingold	Murray
Cantwell	Harkin	Wyden
Dayton	Jeffords	
Dodd	Leahy	

NOT VOTING—1

Inouye

The motion was agreed to.

Mr. SALAZAR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is on agreeing to the motion to reconsider the vote by which cloture was not invoked on the conference report to accompany H.R. 3199.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—85

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Enzi	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Frist	Pryor
Bennett	Graham	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Roberts
Bond	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Santorum
Burns	Inhofe	Schumer
Burr	Isakson	Sessions
Carper	Johnson	Shelby
Chafee	Kennedy	Smith
Chambliss	Kerry	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Lieberman	Talent
Conrad	Lincoln	Thomas
Cornyn	Lott	Thune
Craig	Lugar	Vitter
Crapo	Martinez	Voinovich
DeMint	McCain	Warner
DeWine	McConnell	
Dole	Menendez	

NAYS—14

Boxer	Durbin	Levin
Byrd	Feingold	Murray
Cantwell	Harkin	Sarbanes
Dayton	Jeffords	Wyden
Dodd	Leahy	

NOT VOTING—1

Inouye

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 3199: The U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005:

Chuck Hagel, Jon Kyl, John McCain, Richard Burr, Conrad Burns, Pat Roberts, John Ensign, James Talent, C.S. Bond, Johnny Isakson, Wayne Allard, Norm Coleman, Kay Bailey Hutchison, Mel Martinez, John Thune, Jim DeMint, Jeff Sessions, Bill Frist, Arlen Specter.

The PRESIDING OFFICER. The question upon reconsideration is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3199, the U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—84

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Ensign	Murkowski
Allen	Enzi	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Frist	Obama
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bond	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchison	Salazar
Burr	Inhofe	Santorum
Carper	Isakson	Schumer
Chafee	Johnson	Sessions
Chambliss	Kennedy	Shelby
Clinton	Kerry	Smith
Coburn	Kohl	Snowe
Cochran	Kyl	Specter
Coleman	Landrieu	Stabenow
Collins	Lautenberg	Stevens
Conrad	Lieberman	Sununu
Cornyn	Lincoln	Talent
Craig	Lott	Thomas
Crapo	Lugar	Thune
DeMint	Martinez	Vitter
DeWine	McCain	Voinovich
Dole	McConnell	Warner

NAYS—15

Bingaman	Dodd	Leahy
Boxer	Durbin	Levin
Byrd	Feingold	Murray
Cantwell	Harkin	Sarbanes
Dayton	Jeffords	Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On reconsideration on this question, the yeas are 84, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I yield my 1 hour of postcloture debate to the Democratic leader.

The PRESIDING OFFICER. The Senator has that right.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield the hour I might claim to the Democratic leader, Senator REID.

The PRESIDING OFFICER. The Senator has that right.

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent to be recognized as in morning business and that the time I use be charged against my time postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2343 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. PRYOR. Mr. President, I yield the remainder of my time to Senator LEAHY.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask that the Chair inform me when I have consumed 45 minutes of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mr. FEINGOLD. I thank the Chair.

When it comes to the conference report on the USA PATRIOT Act, the die has now been cast. The Senate has voted to reconsider the vote against cloture from last December and now has voted to limit debate on the PATRIOT Act reauthorization bill. The rules of the Senate have changed since the days of Jimmy Stewart and ''Mr. Smith Goes to Washington.'' One Senator, no matter how strongly he or she feels, cannot singlehandedly stop a bill when 60 or more of his or her colleagues are dead set on passing it. So obviously at this point, final passage of the reauthorization bill is now assured. I am disappointed in this result, obviously, but I believe this fight has been worth making and my dedication to changing the PATRIOT Act is as strong now as it has ever been.

We have made some progress since October 2001. The public understands the issues better and many of my colleagues do, too. Support for changes to the PATRIOT Act has grown over the years to the point where we actually had no objection in the Senate last year passing a pretty good bill—this was in July of 2005—a bill that made significant improvements to the PATRIOT Act. Then near the end of the year, 46 Senators actually voted to reject a conference report that took several steps backward from that bill. Even a few days ago, I was heartened when the Senator from Pennsylvania, the chairman of the Judiciary Committee, the foremost proponent of the conference report, actually announced he would essentially take the four amendments I had hoped to offer, the amendments I was denied the right to offer in the Senate, and combine them into a bill he will now seek to move through the Judiciary Committee and enact into law. His bill will have several cosponsors, including me. So even some of the Senators who fought for this reauthorization bill, of course, realize it falls short and will join the fight to try to fix the PATRIOT Act. That is somewhat encouraging, and I thank them for their honesty. I thank them for recognizing that the rights and freedoms of the American people are worth fighting for in the Senate, just as we ask so many of our young people to fight for them overseas.

The rules of the Senate provide that debate on this measure is now limited after the vote on cloture we took. But debate is not yet closed. I believe there is still more that needs to be said. In particular, in the time I have remaining, I want to give voice to the millions of Americans who have expressed concern about the PATRIOT Act and have asked repeatedly for it to be changed. There has been an extraordinary outpouring of public sentiment against this law, and that sentiment deserves to be heard on the floor of the Senate. So in a few minutes I am going to read some of the resolutions that have been passed and editorials that have been written and letters that have been sent. In these final hours before the PATRIOT Act is reauthorized, I want my colleagues to hear the voices of the citizens of this country. These voices cannot be stifled by votes taken here. They may have been ultimately defeated by procedural maneuvers in this body over the past few weeks, but their concerns for the liberties and freedoms are real, and they are not going away. We ignore them at our peril.

Before I turn to those voices, I want to start with the basic principle. Our Nation's strength comes not only from our mighty and our unmatched military might but from our constitutional system and our reverence for the rule of law. That is what has kept us free for over 2¼ quarter centuries in our history as a nation. Millions of patriotic Americans love this country and support our military men and women in their difficult missions abroad but worry about the fate of our Constitution here at home. Our constitutional freedoms, our American values are what make our country worth fighting for as we strive to defeat the terrorists who threaten us. The Constitution and the Bill of Rights are documents we often talk about and less often actually pick up and reread. In light of their central importance to the debate about the PATRIOT Act, I thought it would be worth reading them today.

The United States Constitution:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish the Constitution for the United States of America.

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years.

Of course, this provision has been amended by the 14th amendment so I will skip that part.

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and George three.

As per act of November 15, 1941, the apportionment, based on the Sixteenth Census (1940), the Seventeenth Census (1950), and the Eighteenth Census (1960), distribute the 435 seats in the House among the States according to the method of equal proportions. (See Senate Manual section 974).

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representative shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senators shall have one Vote.

Immediately after they shall be assembled in Consequence of the First Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the Second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year; so that one-third Class at the Expiration of the sixth Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 1. The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections; Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of Such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties in another.

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of

America. He shall hold his Office during the Term of four years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In case of the Removal of the President from Office, or of his Death, resignation, or Inability to discharge the Powers and Duties of the said Office,† the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—''I do solemly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.''

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall, take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall, be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory of other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to ever State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth.

The Bill of Rights, amendments 1 through 10 of the Constitution.

The Conventions of a number of States; having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution: RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.t.

AMENDMENT [I]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT [II]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT [III]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT [IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Mr. President, I am going to read that one again. It is the fourth amendment. More than any other provision I am reading, this is the one that is at the heart of the debate about this USA PATRIOT Act and its provisions, and it is this provision that is particularly violated by the imminent reauthorization of this law:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT [V]

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment, or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offenses to be twice put in jeopardy of life or limb; nor shall be compelled in, any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT [VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT [VII]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be other-wise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT [VIII]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT [IX]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has consumed 34 minutes.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that I may be permitted to speak for no longer than about 20 minutes as if in morning business and that the time be charged postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TALENT are printed in today's RECORD under ''Morning Business.'')

Mr. TALENT. I thank my friend from Wisconsin for letting me have the floor to do this. I am happy to yield back the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the Senator from Nevada has been yielded 2 hours. I already have 1 hour.

I ask 2 hours 50 minutes of that time be yielded to the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I don't think I need consent, do I?

The PRESIDING OFFICER. The Senator does not need consent.

The Senator from Vermont.

Mr. LEAHY. The Senator from Vermont, under the parliamentary situation, is entitled to time?

The PRESIDING OFFICER. The Senator is entitled to 2 hours 54 minutes.

Mr. LEAHY. Mr. President, I will speak for a while. It is my intent to then yield the remainder of my time to the distinguished Senator from Wisconsin.

The Senate is going to soon vote to reauthorize the USA PATRIOT Act. I am one of the authors of the original 2001 PATRIOT Act. I voted to reauthorize an improved version of the act back in July of 2005.

Obviously, I am concerned, as all Americans are, with our security. I am concerned, as is the distinguished Presiding Officer and the distinguished Senator from Wisconsin, as one who goes to work every day, along with thousands of others, in a building that was targeted for destruction by al-Qaida. So I am glad we are making progress. However, I have to admit to being disappointed at the missed opportunity to get it right.

The PATRIOT Act provides important and valuable tools for the protection of Americans from terrorism. These matters should be governed by law, not by whim.

Legislative action should be the clear and unambiguous legal footing for any Government powers. Former Congressman Armey, Dick Armey, the Republican leader of the House, and I insisted that sunset provisions be included in the 2001 act. Because we did that, we ended up with reconsideration and some refinement of the powers authorized in that measure.

Now the challenge of Congress is to provide the effective oversight needed

in the days ahead and to ensure that there is court review of the actions that affect the rights of Americans.

The bill contains several sunshine provisions that I proposed. I did that to ensure we would have oversight and to ensure some measure of public accountability for how our Government uses its powers.

For the first time ever, the Justice Department is going to be required to report publicly on its use of two secret surveillance tools that have come under fire from civil libertarians but also from the business community. These are the FISA business record authority and the so-called national security letters, or NSLs. The Justice Department has been declassifying this information sporadically, when politically convenient. It could offer no plausible justification for keeping the information classified, especially when comparable data regarding more sensitive surveillance techniques such as wiretapping and physical searches is routinely disclosed.

The conference between the two bodies accepted my proposal that these powers be subject to detailed, comprehensive, and unclassified audits by the Justice Department's Office of the Inspector General. Specifically, the OIG will audit the effectiveness and use, including any improper or illegal use, of the FISA business record and NSL authorities during the last several years and going forward.

In performing these audits, the OIG will examine the categories of records obtained, the importance of the information required, the manner in which it is retained and disseminated, and whether the information is used for data mining purposes. The NSL audit will be followed by a report on the feasibility of applying minimization procedures in the context of NSLs to ensure the protection of the constitutional rights of United States persons.

I have tried to describe it accurately. I realize that sounds like a bureaucratic computer wrote it. I want to be very specific because this administration sometimes does not pay attention to specific items. What we do not want is any agency of our Government feeling they can simply go and use these demands for records to go on a fishing expedition or find somebody they do not like and say: Let's just grab all their records. Let's go through all their records. Let's follow up on these records and see if there is something else we want—and just do that on and on with somebody who has no recourse, no ability to speak out. Their businesses might be ruined, their lives might be ruined, and it turns out: Whoops, sorry, we made a mistake. We are going on to somebody else. We saw after 9/11 when that happened. We saw businesses ruined, ranging from restaurants to other kinds of businesses, where: Whoops, sorry, we got the wrong person. Too bad you had no real ability to question what we were doing.

I proposed another sunshine provision. I am glad the conference accepted it. It comes from a bill I introduced in the last Congress with Senators SPECTER and GRASSLEY. It requires the FISA Court to publish its procedures and share their rules in an unclassified report. Also, it requires annual reporting of the use of so-called sneak-and-peek search warrants and FISA's emergency surveillance authorities.

Again, we give very special powers to our Government, recognizing the fact that, as long as the distinguished Presiding Officer lives, as long as I live, we will face these kinds of threats. But we want to make sure the powers we give do not become powers just unto themselves where none of us know where the check or the balance is.

The bill includes a scaled-back version of a data-mining provision that was added by a floor amendment in the House.

Most of us use e-mails. We often send medical information on ourselves, our children, our families. Maybe if you are in a business you send information you want held so you can have a competitive advantage over your competitor. A lot of that can be picked up in data-mining operations.

As contained in the current bill, the provision calls for a one-time report on pattern-based data mining by the Department of Justice. What is that expression, pattern-based data mining? They develop models based on expected behavior or profiles of criminal or terrorist activity, then they mine databases of personal information to try to identify those patterns.

It is sort of the Kevin Bacon ''six degrees of separation,'' except we assume they are not going after Kevin Bacon. It does raise concerns about profiling and individual privacy. There is a concern that if you happen to be in a restaurant somebody frequented, you are now going to be under surveillance.

Now, in addition to the sunshine provisions, I proposed we retain the sunset mechanism that worked so well in the original PATRIOT Act. Sometimes both sunshine and sunset work well together. As I said, Republican House Majority Leader Dick Armey and I insisted, in 2001, on a 4-year sunset for certain PATRIOT Act powers. If we had not done that, we would not even be having this debate today. We would not have even looked at what happened, especially with a Congress reluctant to do oversight, a Congress unwilling to question anything this administration does.

They were forced, actually, to ask questions about what is happening under the PATRIOT Act because a conservative Member of the House—Dick Armey—and a liberal Senator—myself—put in the sunset provisions so we would be forced to look at it no matter who was President, no matter who controlled the House, no matter who controlled the Senate. And thank goodness we did because if we had not done that, I guarantee you, this Congress never would have asked a question of anybody. If we had not had that, the Bush administration would have stonewalled our request for information, just as they have on so many other things.

The sunsets are the reasons we have been going through a review and renewal process over the last few months. And the improvements were hard won. The Bush administration pursued its usual strategy of demanding sweeping Executive powers, resisting checks and balances. They were long on partisan rhetoric and awfully short on bipartisan dialog. As usual, the Republican majorities in the House and the Senate did their utmost to follow the White House's directives to prevent any sudden breakout of bipartisanship. But a ray of bipartisanship slipped through the cracks, and the bill is the better for it.

It contains 4-year sunsets, not 7- or 10-year sunsets like the administration wanted. The bill no longer contains a provision that would have made it a crime merely to disclose the receipt of a national security letter. Somebody hands you a national security letter and demands documents and it's a crime if you tell anybody about it. ''Wait a minute, you just closed down my business. I can't comply with this.'' ''Tough. You can't tell anybody. You can't tell your wife. You can't tell the people who work for you.'' This is America. We finally did away with that, even though the administration strongly wanted that kind of control.

They even wanted Americans, if they were served with a national security letter and dared to seek legal advice, they had to go humbly to the FBI first and tell them they were actually going to get a lawyer—in America—to find out why they were being subpoenaed. Now, I know they like control in this administration. That went too far. So we no longer require American citizens to tell the FBI before they exercise their right as Americans to seek the advice of counsel. Sunlight is the best disinfectant. When the sunlight came in on this bill, some of these things fell.

Chairman SPECTER and I worked together on these improvements, and our efforts have produced a better bill for the protection of all Americans. In this regard, I also compliment the Senate Democratic conferees, whose efforts were extraordinary. Whether they vote for or against the final product, Senators ROCKEFELLER, LEVIN, and KENNEDY all deserve the thanks of the Senate and the American people for their hard work and steadfastness.

Late changes were achieved by Republican Senators who had joined us in resisting the conference report in December.

When terrorists strike, they do not ask whether you are Democrats or Republicans or Independents. If they want to strike Americans, they strike Americans. They do not ask what your politics are. And all Americans—Democrats, Republicans, Independents—want to stop terrorists. All Americans

oppose what they have done. So, therefore, it was regrettable that this administration—with a President who was elected on a solemn campaign pledge to be a uniter and not a divider—refused to engage both Democrats and Republicans on ways to improve the bill. They spoke to only one party, as though only one party cared about America being safe. The White House Counsel spoke to only Republican Senators. So they, in turn, negotiated to achieve what they view as improvements and what they could. It is, of course, less than what we would have liked, but I appreciate the fact they did what they could insofar as they were dealing with an administration that did not want to treat the safety of Americans in a bipartisan way.

But, therefore, the bill still falls short in several critical regards.

Let's talk about section 215 of the PATRIOT Act, the business records provision that has been so important to the libraries. Under section 215, the Government can obtain a secret order that compels access to sensitive records of American citizens. It also imposes a permanent gag on the recipient. In other words, I grabbed your records. Don't you dare tell anyone. This is America. This is America. We have had Presidents condemn other countries—and rightly so—for doing this sort of thing to their citizens, and we want to do it to our own?

Before passage of the PATRIOT Act, there were two significant limitations on the FBI's power to seize business records. First, it could be used only for a few discrete categories of travel records, such as records held by hotels, motels, vehicle rental facilities. Second, the legal standard for obtaining the order was demanding. The Government had to present specific and articulable facts giving reason to believe that the subject of the investigation was a foreign power or an agent of a foreign power.

Passed in the weeks following 9/11, the PATRIOT Act did away with these limitations. It both expanded what the FBI may obtain with a Section 215 order and it lowered the standard for obtaining it. Under current law, the Government need only assert that something—anything—is sought for an authorized investigation to protect against terrorism or espionage, and the judge will order its production. What counts as an authorized investigation is within the discretion of the Executive branch.

Now, the Senate—and I compliment those Republicans and Democrats on the Senate Judiciary Committee who got together on the reauthorization bill that we passed last July—the Senate reestablished a significant check on this power. Under the Senate bill, relevance to an authorized investigation is not enough. The Government must also show some connection between the records sought and a suspected terrorist or spy. This is a fundamental protection that would not hamstring the Government, but would do much to prevent overreaching in Government surveillance. I fought for it in the Senate. Chairman SPECTER and every Republican Senator voted for it. Then the Bush administration found out about that. It ordered the Republican Members of Congress to strip it out in conference, and these independent bodies—this check and balance—said: Aye, aye, sir, and stripped it out.

The current bill also falls short on its treatment of national security letters. These are, in effect, a form of secret administrative subpoena. Again, my God, they love doing things in secret. They love doing things in secret, and they tell us afterwards: Trust us. I seem to have read something recently in the press about an agreement to have another country run the operations of our ports. They said, after failing to consult Congress, trust us. We secretly looked at Dubai. We secretly looked at this, and we understand that money for the hijackers went through that country, but we have secretly looked at it and it is a good idea. Don't ask us any questions.

Well, now they have this form of secret administrative subpoena. They are issued by FBI agents without the approval of a judge or a grand jury or a prosecutor. They allow agents to obtain certain types of sensitive information about innocent Americans simply by certifying its relevance to a terrorism or espionage investigation. If the FBI agent does not like your looks, they can just come in with this secret subpoena and seize your records. Your business can be shut down on the whim of one agent—no judge, no grand jury, no prosecutor, no check and balance. And oh, by the way, we will do it secretly. Like section 215 orders, NSLs come with a permanent gag. Recipients are prohibited from telling anyone anything about it.

The bill does not allow meaningful judicial review of this gag order. It requires the court to accept as conclusive the Government's assertion that a gag order should not be lifted, unless the court determines the Government is acting in bad faith. This raises serious First Amendment and due process concerns. Fixing this provision was one of my top priorities in the conference and during my subsequent discussions with Senator SPECTER. The Bush administration's refusal to agree to this change was a significant factor in my consistent opposition to the conference report in December. And there is strong opposition to this provision from both Democrats and Republicans from the right to the left. But the administration refused to correct it. They also refused, as an alternative, to sunset the national security letter authority.

I continued to seek remediation of this provision in January and February through discussions with Senator SUNUNU and Senator SPECTER, but they were unable to achieve that result. This creates, in my view, a sham judicial proceeding within the complete control of the Government that smacks too much of a police state. It is wrong. It needs to be fixed.

I wish Americans would think: What are we giving up with the idea we might be a little more secure? Wouldn't it be a lot better to fix the mistakes that were made by the administration that allowed 9/11 to happen in the first place, to go back and find out where those mistakes were made and fix them? Wouldn't it be better to finally, years later, start actually being able to translate all the information we have picked up—something we did not do before 9/11 and today we still do not do it anywhere near enough?

Wouldn't it have been better to have done that than to say to Americans, most of whom would be law-abiding: We are going to give you this letter—which just one person decides on—and we will seize your records. You can't talk to anybody about it, and there's really nothing you can do about that. You have no real judicial way of overturning the gag order.

If we heard of other countries doing this, we would be critical and rightly so. If the Chinese did this, we would criticize them and rightly so. If the old Soviet Union did this, we would have criticized them and rightly so. Please, do not let our country go down that road. We are too good a people. We are too honest a people.

The bill's treatment of the PATRIOT Act's so-called sneak-and-peek provisions is another area of concern. Section 213 of the PATRIOT Act authorized the Government to carry out secret searches in ordinary criminal investigations. Armed with a Section 213 search warrant, FBI agents may enter and search a home or office and not tell anyone about it until weeks or months later.

It is interesting to recall that four years ago, the House Judiciary Committee took one look at the Bush administration's original proposal for sneak and peak authority and dropped it entirely from its version of the legislation. As chairman of the Senate Judiciary Committee, I was able to make some improvements in the administration's proposal, but problems remained. In particular, Section 213 says that notice may be delayed only for ''a reasonable period.'' The Bush administration has abused that flexible standard and used it to justify delays in notice of a year or more. Pre-PATRIOT Act case law stated that the appropriate period of delay was no more than seven days.

The Senate voted to replace the ''reasonable period'' standard, which the Bush administration has been abusing, with a basic 7-day rule, while permitting the Government to obtain additional 90-day extensions of the delay from the court. The current bill sets a 30-day rule for the initial delay, more than three times what the Senate, and

pre-PATRIOT Act courts, deemed appropriate. The shorter period would better protect Fourth Amendment rights without in any way impeding legitimate government investigations. The availability of additional 90-day extensions means that a shorter initial time frame should not be a hardship on the Government. But our improvement has been rejected in favor of too much Government power.

The current bill is also loaded with extraneous provisions that have nothing to do with the expiring PATRIOT Act authorities or even with terrorism. The bill modifies habeas corpus law—the great writ—a highly controversial provision that is wholly improper to consider in this context. I doubt it would ever pass, if it were put to a straight up-or-down vote. But slip it in the bill and say: It is for national security. Give up your rights, Americans. It is for national security.

Many times people in this Chamber talk about Benjamin Franklin, and we think back to that time. Here is a man involved in the revolution against King George. Had he failed, he would have been hanged. Most of those around him would have been hanged. But when he has now become the Government and his friends have become the Government, replacing King George, he wanted to make sure to protect the people from the Government. As he said, those who would give up essential liberties for temporary security deserve neither liberty or security.

Habeas corpus, the one thing that every one of us can count on, the great writ, the thing that sets us apart from virtually every other country and the thing that protects us so much, was changed because a small number of Republican conferees wanted to change it. They did not want to bring it on the floor of the Senate or the House and vote on it up or down. It has nothing do to do with terrorism or even the more general tools of Federal law enforcement. It was almost a whim, let's take away these rights.

These changes were not included in the PATRIOT Act reauthorization bill of either the House or the Senate, but mysteriously, here it is, slipped in.

I recall that part in ''A Man for All Seasons'' where Sir Thomas More's protege William Roper is basically saying, the end justifies the means, and Sir Thomas More spoke of the law as something there to protect us. He said, and I am paraphrasing: All of England is planted thick with laws. And his protege said, in effect, he would cut down all those laws, if need be, to get at the devil. And Thomas More said: And what will protect you then, with all the laws cut down? Yes, I'd give the devil benefit of the law, for my own safety's sake.

I wonder if we are not doing that, especially with the sneaky way this was done. That is the only way I can describe it, sneaky. The administration said: Kick the Democratic conferees out. And the independent bodies, the House and the Senate, said: Aye-aye, sir. It violates our rules, but, yes, sir, if you want that for the White House. And then they slipped it in. Neither body's Judiciary Committee approved it. Incidentally, the U.S. Judicial Conference, at that time headed by Chief Justice Rehnquist, made up of some of the most conservative judges in the country, strongly opposed doing this.

Another extraneous provision of the bill will revive a small group of pending death penalty prosecutions for aircraft hijacking murders committed in the 1970s and 1980s. It is designed to overrule the district court decision in United States v. Safarini, which struck the death penalty for a 1986 hijacking offense on the grounds that the Federal Death Penalty Procedures Act of 1994 could not be retroactively applied to a pre-1994 crime, absent clear congressional intent to do so.

To my knowledge, Congress has never enacted death penalty legislation intended to allow the execution of a tiny number of known offenders for crimes they are alleged to have committed from one to three decades previously. Whether the Government can ultimately persuade the courts that this does not violate the letter of the ex post facto and bill of attainder clauses of the Constitution, it certainly violates their spirit. It is telling that the Department of Justice, in its testimony before the House Judiciary Committee, strongly recommended adding in a severability clause, in case this provision was ultimately held invalid by a court of law. I share the Department's skepticism regarding the constitutionality of this wrongheaded provision, and deeply regret its inclusion in the conference report.

To sum up, the bill presents a complex mixture of valuable provisions which I support and would vote for if they were individually here, significant improvements on the one hand but so many serious flaws and missed opportunities on the other. I think the final product would have been better if Members of Congress, Republicans and Democrats, both bodies had been allowed to work as Members of Congress, as representatives of the people instead of as puppets of the most secretive administration of the six administrations with which I have served. The Bush administration insisted on locking Democrats out of the negotiations. They did that, first, in connection with the conference and, again, after the Senate would not proceed to pass the conference report last December. When I and others tried to have conversations with the White House to improve the bill, our efforts were dismissed. Basically, they took the attitude, as long as they can get the votes they needed on the Republican side of the aisle, there is no purpose in any bipartisan effort. What a mistake.

This is a bill that has both virtues and vices. I respect those who conclude that on balance the bill's virtues outweigh its vices. And if they conclude that, then vote for it. But I believe we can and should do better. I believe America can do better. I will continue to work to improve the PATRIOT Act. I will work to provide better oversight of the use of national security letters. I will work to remove what is a gross, un-American restraint on meaningful judicial review, the sort of thing that Presidents of both parties have strongly condemned when done by other countries. I hate to see our country do it.

I will seek to monitor how sensitive personal information that they are now allowed to seize from medical files, gun stores, and libraries is obtained and used. Today, I will join Senators SPECTER, SUNUNU, CRAIG, and others in introducing a bill to improve the PATRIOT Act and reauthorization legislation in several important respects. While we have made some progress, much is left to be done.

Let me be very clear about this. There are good parts of this bill, but there are also serious bad parts. The serious bad parts are worse if you have an administration that does not believe in checks and balances and prefers to do everything in secret. We now see the administration seeking to twist the Authorization for Use of Military Force against al-Qaida into a justification for its secret, illegal wiretapping of Americans' emails and telephone calls. We see the administration claiming that it need not fulfill its constitutional responsibility to faithfully execute the laws and that it can pick and choose among the laws it will recognize. And we see an administration that continues to attack anyone that gets in their way and insists on the rule of law.

Confronted with the administration's claims of unchecked power, I do not believe that the restraints we have been able to include in this reauthorization of the PATRIOT Act are sufficient. I will continue to work to provide the tools that we need to protect the American people. I trust that Vermonters will understand that while I have repeatedly voted to extend and reauthorize the PATRIOT Act, this measure, this time, falls short of what they deserve. So I won't support it in its current form. I will continue to work to provide the oversight of checks needed on the use of Government power and seek to improve this reauthorization legislation. I know the Senate will adopt it, but it is a pale shadow of what it could be. It is not the best that the greatest democracy on Earth deserves. I will fight for the best, but I will not vote for second best.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Vermont has 2 hours 24 minutes.

Mr. LEAHY. I thank the Chair, my good friend.

I yield all but 15 minutes of that time to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Vermont for yielding the time and also for his excellent remarks and his comments on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, we pass a lot of laws in this body, but most of them don't get any public attention. Not so with the PATRIOT Act. Few pieces of legislation have the kind of public understanding and recognition the PATRIOT Act does. The PATRIOT Act has become a rallying cry for those concerned about Government overreaching, grabbing for more power than it needs, using a time of crisis to justify changes in the law it otherwise could not hope to see made.

People all over the country want us to take a step back, to reconsider, to fix the PATRIOT Act. Perhaps the strongest evidence of this is that in the past 4 years, more than 400 State and local governments have passed resolutions opposing or objecting to various aspects of the PATRIOT Act. Eight of those government bodies are State legislatures that have already passed resolutions opposing the PATRIOT Act.

In April 2003, Hawaii was the first State to adopt a statewide resolution. The next month, in May 2003, Alaska and Vermont passed resolutions. Over the course of 2004 and 2005, we saw three more resolutions in Colorado, Montana, and Maine. Finally, Idaho passed a resolution specifically to support the SAFE Act's amendments to the PATRIOT Act, and recently, on February 16, California passed a resolution on the PATRIOT Act.

I will read these resolutions. There are eight such resolutions, Alaska being the first.

A resolution:

Relating to the USA PATRIOT Act, the Bill of Rights, the Constitution of the State of Alaska, and the civil liberties, peace, and security of the citizens of our country.

Be it resolved by the Legislature of the State of Alaska:

WHEREAS the State of Alaska recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS each of Alaska's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS the State of Alaska denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local government should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of Alaska and the nation; and

WHEREAS certain provisions of the ''Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001'', also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

BE IT RESOLVED that the Alaska State Legislature supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential rights and liberties of citizens in this country contained in the United States Constitution and the Bill of Rights; and be it

FURTHER RESOLVED that it is the policy of the State of Alaska to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and be it

FURTHER RESOLVED that, in accordance with Alaska state policy, an agency or instrumentality of the State of Alaska, in the absence of reasonable suspicion of criminal activity under Alaska State law, may not

(1) initiate, participate in, or assist or cooperate with an inquiry, investigation, surveillance, or detention;

(2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if—

Even if—

authorized under the USA PATRIOT Act;

(3) retain such intelligence information; the state Attorney General shall review the intelligence information currently held by the state for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity; and be it

FURTHER RESOLVED that an agency or instrumentality of the state may not,

(1) use state resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;

(2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

(3) engage in racial profiling; law enforcement agencies may not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it

FURTHER RESOLVED that the Alaska State Legislature implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent it infringes on Americans' civil rights and liberties.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens, and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

That is the Alaska resolution.

California Senate Joint Resolution No. 10—Relative to the USA PATRIOT Act. Approved by the California Senate, introduced by Senator Figueroa.

WHEREAS, The State of California recognizes the Constitution of the United States of America as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including freedoms of religion, speech, and privacy; and

WHEREAS, The State of California has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS, Each of California's duly elected public servants are sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, The State of California denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, Any new security measures of Federal, State, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent persons in the State of California and the Nation; and

WHEREAS, Certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act, allow the government greater authority to detain and investigate persons and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our Federal and State Constitutions, including rights of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms; and

WHEREAS, The people of California are concerned that many provisions of the USA PATRIOT Act pose significant threats to constitutional protections; now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly, That the State of California supports appropriate and effective measures by the Government of the United States of America and the State of California to combat terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it further

Resolved, That the State of California also urges its congressional delegation to work to repeal any provisions of the USA PATRIOT Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future Federal legislation to the extent that it would infringe on Americans' civil rights and liberties; and be it further

Resolved, that the State of California will ensure that no State resources be provided

for any action that would violate the United States Constitution or the Constitution of the State of California, including but not limited to, all of the following:

(1) Collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual group, association, organization, corporation, business or partnership, unless the information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

(2) Recording, filing, or sharing intelligence information concerning a person or organization, including library lending and research records, book and video sales and rental records, medical records, financial records, student records and other personal data, even if authorized under the USA PATRIOT Act.

(3) Demanding nonconsensual releases of student and faculty records from public schools and institutions of higher learning.

(4) Eavesdropping on confidential communications between lawyers and their clients.

(5) Engaging in racial profiling that enables law enforcement agencies to use race, religion, ethnicity or national origin as factors in selecting individuals to be subject to investigational activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect; and be it further

Resolved, That the Secretary of State shall transmit copies of this resolution to the President and the Vice President of the United States and the Speaker of the House of Representatives, to the majority leader of the Senate, and to each Senator and Representative from California in the Congress, the Attorney General of the United States, and to all Federal and State law enforcement agencies.

Mr. President, that is the second resolution. The third one is from Colorado. Senate Joint Resolution 05–044 concerning the State's commitment to Uphold Constitutional Rights in the Fight Against Terrorism, approved by the Colorado General Assembly.

WHEREAS, The State of Colorado is committed to upholding the fundamental and inalienable rights, including the freedoms of religion, speech, assembly and privacy, that are enshrined in the Constitutions of the United States and the State of Colorado; and

WHEREAS, Colorado's elected public servants have sworn to defend and uphold the Federal and State Constitution; and

WHEREAS, The State of Colorado denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, The attacks that occurred on September 11, 2001, and the continuing threat of terrorism underscore the need for strong and effective laws and policy to protect the American public; and

WHEREAS, The security measures taken by Federal, State, and local governments should be carefully designed and applied to enhance public safety without infringing on the civil liberties and rights of innocent people in the State of Colorado and throughout the Nation; and

WHEREAS, Certain provisions of the Federal ''Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act'', also known as the ''USA PATRIOT Act'', expand the power of the Federal Government to detain and investigate people in the United States and to engage in surveillance activities that may be inconsistent with the rights and liberties guaranteed by the State and Federal constitutions; now, therefore,

Be it Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That the General Assembly supports the Government of the United States in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of the essential civil rights and liberties enshrined in the Constitution of the United States and the State of Colorado;

(2) That it is the policy of the State of Colorado to oppose any provision or application of the USA PATRIOT Act that would violate the rights and liberties guaranteed by the State and Federal Constitutions;

(3) That, in accordance with the policy of this State, no agency or instrumentality of the State should, without reasonable suspicion of criminal activity under Colorado law:

(A) Initiate, participate in, assist, or cooperate with any inquiry, investigation, surveillance, or detention; (b) Record, file, or share intelligence information concerning any person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, Internet mail and usage records, and other personal data, even if authorized under the USA PATRIOT Act; or (c), Retain such intelligence information.

(4) That no agency or instrumentality of the State should: (A) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, organization or business entity, unless the information indirectly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information is involved in criminal conduct; or (b) Use race, religion, ethnicity or national origin as factors in selecting individuals to subject to investigatory activities, except with respect to a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

(5) The General Assembly urges the United States Congress to amend provisions of the USA PATRIOT Act and other measures that infringe on civil rights and liberties and imposes the enactment of future Federal legislation that infringes on civil rights and liberties.

Be It Further Resolved, That copies of this joint resolution be sent to the Honorable George W. Bush, President of the United States; the Honorable Alberto Gonzalez, Attorney General of the United States; the Honorable Bill Owens, Governor of Colorado; and the members of Colorado's congressional delegation.

Now we go to Hawaii's resolution, the first one to pass. Senate Concurrent Resolution Reaffirming the State of Hawaii's Commitment to Civil Liberties and the Bill of Rights Approved by the Hawaii State legislature.

WHEREAS The Hawaii State legislature is committed to upholding the United States Constitution and its Bill of Rights and the Hawaii State Constitution and its Bill of Rights (Article I, Sections 1 through 22); and

WHEREAS The State of Hawaii has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS The State of Hawaii is comprised of a diverse and multi-ethnic population, and has experienced firsthand the value of immigration to the American way of life; and

WHEREAS The residents of Hawaii during World War II experienced firsthand the dangers of unbalanced pursuit of security without appropriate checks and balances for the protection of basic liberties; and

WHEREAS The recent adoption of the USA PATRIOT Act and several executive orders may unconstitutionally authorize the Federal Government to infringe upon fundamental liberties in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic first amendment freedoms, all of which are guaranteed by the constitutions of Hawaii and the United States; and

WHEREAS The citizens of Hawaii are concerned that the actions of the Attorney General of the United States and the United States Justice Department are significant threats to constitutional protections; now, therefore,

Be It Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the House of Representatives concurring, that the State of Hawaii urges its congressional delegation to work to repeal any sections of the PATRIOT Act or recent executive orders that limit or violate fundamental rights and liberties protected by the constitutions of Hawaii and the United States; and

Be It Further Resolved that to the extent legally possible, no State resources—including law enforcement funds and educational administrative resources—may be used for unconstitutional activities, including but not limited to the following under the USA PATRIOT Act:

(1) Monitoring political and religious gatherings exercising their First Amendment Rights;

(2) Obtaining library records, bookstore records, and Web site activities without proper authorization and without notification;

(3) Issuing subpoenas through the United States Attorney's Office without a court's approval or knowledge;

(4) Requesting nonconsensual releases of student and faculty records from public schools and institutions of higher learning; and

(5) Eavesdropping on confidential communications between lawyers and their clients.

Be It Further Resolved that certified copies of this concurrent resolution be transmitted to Hawaii's delegation in the United States Congress.

Now Idaho.

Stating findings of the Legislature concerning adoption of the SAFE Act to limit certain provisions of the PATRIOT Act in order to protect liberties of citizens of the United States and urging the congressional delegation representing the State of Idaho in the Congress of the United States to support the SAFE Act: House Joint Memorial No. 7, approved by the Idaho State legislature.

We, memorialists, the House of Representatives and the Senate in the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, as citizens of the State of Idaho strongly believe that basic civil liberties must be preserved and protected, even as we seek to guard against terrorists and other threats to national security; and

WHEREAS, there are some principles of our democracy which are so fundamental to the rights of citizenship that they must be preserved to guard the very liberties we seek to protect; and

WHEREAS, legislation known as the SAFE Act has been introduced in the Congress of the United States to adopt amendments to

the PATRIOT Act which would address some of the most problematic provisions of that act; and

WHEREAS, the SAFE Act amends the PATRIOT Act to modify the provisions regarding the roving wiretaps to require that the identity of the target be given and that the suspect be present during the time when surveillance is conducted; and

WHEREAS, the SAFE Act revises provisions governing search warrants to limit the circumstances when the delay of notice may be exercised and to require reports to the Congress when delays of notice are used; and

WHEREAS, the SAFE Act requires specific and articulable facts to be given before business records are subject to investigation by the Federal Bureau of Investigation; and

WHEREAS, the SAFE Act provides that libraries shall not be treated as communication providers subject to providing information and transaction records of library patrons; and

WHEREAS, it is appropriate that the legislature of the State of Idaho, on behalf of the citizens of Idaho, express support of the efforts of Senator Larry Craig to adopt the SAFE Act, and encourage full support of the Idaho congressional delegation.

Now, therefore, be it resolved by members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho legislature endorses the efforts to amend the PATRIOT Act to ensure that it works well to protect our security, but that it does not unnecessarily compromise essential liberties of the citizens of the United States. We urge the congressional delegation representing the State of Idaho in the Congress of the United States to support legislation introduced by Senator Larry Craig, known as the SAFE Act.

Mr. President, the Maine Resolution, Joint Resolution Memorializing the President of the United States and the Congress of the United States to Ensure the Protection of Civil Liberties and the Security of the United States Approved by the Maine State Legislature.

We, your Memorialists, the Members of the One Hundred and Twenty-first legislature of the State of Maine now assembled in the Second Special Session, most respectfully present the petition of the President of the United States and the United States Congress, as follows.

WHEREAS, the State of Maine recognizes that the Constitution of the United States is our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Maine's duly elected public servants have sworn to uphold and defend the Constitution of the United States and the Constitution of Maine; and

WHEREAS, the State of Maine denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of Federal, State, and local governments should be carefully designed and employed to enhance public safety, without infringing on the civil liberties and the rights of any citizens in the State of Maine and the Nation; and

WHEREAS, matters relating to immigration are primarily Federal in nature; and

WHEREAS, certain provisions of the ''Uniting and Strengthening America by Providing Appropriate Tools to Intercept and Obstruct Terrorism Act of 2001,'' commonly referred to as the USA PATRIOT Act, allow the Federal Government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our State and Federal Constitutions; now therefore,

Be It Resolved: That we, Your Memorialists, on behalf of the people we represent, take this opportunity to inform the President of the United States and the United States Congress that the Maine State Legislature supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the Constitution of the United States and the Bill of Rights; and be it further

Resolved: That the Maine State Legislature urges that the Federal Government to continue to exercise its jurisdiction over immigration matters and encourages the Federal Government to work cooperatively with the States to provide assistance and training to protect our country; and be it further

Resolved: That laws passed by the United States Congress to specifically combat the threat of international terrorism should not be used in conducting domestic law enforcement; and be it further

Resolved: That the Maine State legislature implores the United States Congress to review the provisions in the USA PATRIOT Act and other measures that may infringe on civil liberties and ensure any pending and future Federal liberties.

AND BE IT FURTHER RESOLVED: That the Legislature calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and, if necessary, repeal those sections of the USA PATRIOT Act and related federal measures that may infringe upon fundamental rights and liberties as recognized in the United States Constitution and its amendments; and be it further resolved that official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor or the State of Maine; Richard Cheney, President of the United States Senate; Dennis Hastert, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

Mr. President, Montana:

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the Montana Constitution, the United States Constitution, and the Bill of Rights; encouraging various actions in support of fighting terrorism and protecting civil rights and civil liberties; requesting the Attorney General of Montana to compile and disseminate relevant information regarding actions taken by the Federal Government under the USA PATRIOT Act; and encouraging Montana's congressional delegation to support and ensure the civil rights of all Montanans and citizens of the United States, which includes allowing the USA PATRIOT Act to expire.

WHEREAS, the citizens of Montana recognize the Constitution of the United States as our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Montana's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Montana; and

WHEREAS, the citizens of Montana denounce and condemn all acts of terrorism by any entity, wherever the acts occur; and

WHEREAS, terrorist attacks against Americans, such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Montana and the United States; and

WHEREAS, certain provisions of the ''Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001'', also known as the USA PATRIOT Act, allow the federal government to more liberally detain and investigate citizens and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

That the 59th Montana Legislature supports the government of the United States in its campaign against terrorism and affirms the commitment of the United States that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country that are protected in the United States Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED, that it is the policy of the citizens of Montana to oppose any portion of the USA PATRIOT Act that violates the rights and liberties guaranteed under the Montana Constitution or the United States Constitution, including the Bill of Rights.

BE IT FURTHER RESOLVED, that in accordance with Montana state policy, in the absence of reasonable suspicion of criminal activity under Montana law, the 59th Montana Legislature exhorts agents and instrumentalities of this state to not:

(1) initiate or participate in or assist or cooperate with an inquiry, investigation, surveillance, or detention under the USA PATRIOT Act if the action violates constitutionally guaranteed civil rights or civil liberties;

(2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act, if the action violates constitutionally guaranteed civil rights or civil liberties; or

(3) retain any of the intelligence information described in subsections (1) and (2) of this clause if the information violates constitutionally guaranteed civil rights or civil liberties.

BE IT FURTHER RESOLVED, that the Attorney General of Montana is encouraged to review intelligence information currently held by the state, assess the legality and appropriateness of holding the information under the United States Constitution and Montana Constitution, and permanently dispose of all such information to which there is not attached a reasonable suspicion of criminal activity.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature admonishes every agency and instrumentality of the state to not:

(1) use state resources or institutions for the enforcement of federal immigration matters that are the responsibility of the federal government;

(2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information was, is, or may be involved in criminal conduct; or

(3) engage in racial profiling.

BE IT FURTHER RESOLVED, that state and local law enforcement agencies should not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature requests:

(1) public schools and institutions of higher learning within Montana to provide notice to each individual whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act; and

(2) each public library within Montana to post in a prominent place within the library a notice to library users as follows: ''WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107–56), records of the books and other material you borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about the law and policy that allows federal agents to obtain and use information about your activities in this library should be directed to: U.S. Attorney General, Department of Justice, Washington, DC 20530''.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature encourages the Attorney General of Montana to periodically seek from federal authorities the following information in a form that facilitates an assessment of the effect of federal antiterrorism efforts on the residents of Montana:

(1) the name of each resident of Montana who has been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001, the location of each detainee, the circumstances that led to each detention, the charges, if any, lodged against each detainee, and the name of counsel, if any, representing each detainee;

(2) the number of search warrants that have been executed in Montana pursuant to section 213 of the USA PATRIOT Act and without notice to the subject of the warrant;

(3) the extent of electronic surveillance carried out in Montana under powers granted in the USA PATRIOT Act;

(4) the extent to which federal authorities monitor political meetings, religious gatherings, or other activities within Montana that are protected by the First Amendment;

(5) the number of times that education records have been obtained from public schools and institutions of higher learning in Montana under section 507 of the USA PATRIOT Act;

(6) the number of times that library records have been obtained from libraries in Montana under section 215 or section 505 of the USA PATRIOT Act; and

(7) the number of times that records of the books purchased by store patrons from bookstores in Montana have been obtained under section 215 of the USA PATRIOT Act.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature requests the Attorney General of Montana to compile and transmit to each member of the Legislature, at least once every 6 months, a summary of the information obtained pursuant to the legislative requests made in this resolution and, based on the information and any other relevant information, to include an assessment of the effect of federal antiterrorism efforts on the residents of Montana.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature desires that all public libraries adopt policies that ensure the regular destruction of records, when the records are no longer needed, that may be used to identify the name of a book borrower or the name of any Internet user.

BE IT FURTHER RESOLVED, that in order to protect intellectual privacy rights, the 59th Montana Legislature advises all persons in local businesses and institutions, particularly booksellers, to refrain whenever possible from keeping records that can be used to identify the name of any purchaser and to regularly destroy sales records maintained by the business or institution.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature urges the Montana delegation in the United States Congress to:

(1) correct provisions in the USA PATRIOT Act and other administrative measures that infringe on civil liberties by supporting the sunset provisions of the USA PATRIOT Act, slated to be reviewed by Congress in 2005, and ultimately allow the USA PATRIOT Act to expire; and

(2) support passage of the Security and Freedom Ensured Act of 2003 and the End Racial Profiling Act of 2004.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature urges the Montana Congressional Delegation to vigorously oppose any pending and all future federal legislation if the legislation infringes on the civil rights and civil liberties of American citizens. Federal legislation that the Montana Congressional Delegation is encouraged to oppose includes but is not limited to the Domestic Security Enhancement Act of 2003, also known as Patriot Act II.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to President George W. Bush, the Attorney General of the United States, Governor Brian Schweitzer, Senator Max Baucus, Senator Conrad Burns, and Representative Dennis Rehberg.

Mr. President, now we turn to Vermont.

Joint resolution strongly urging the President to revise executive orders and policies, and for Congress to amend provisions of the U.S.A. Patriot Act, which seriously erode fundamental civil liberties.

Approved by: Vermont State Senate.

WHEREAS, on September 11, 2001, for the first time since the War of 1812, the continental United States was subjected to an attack from abroad when terrorists commandeered four commercial airliners and destroyed the World Trade Center in New York City and caused significant damage to the Pentagon, and

WHEREAS, in response to these tragic and devastating events, which cost nearly 3,000 innocent American lives, Congress adopted the U.S.A. Patriot Act (Public Law 107–56) which is intended to enable the federal government to act more authoritatively in preventing future attacks, and

WHEREAS, while the prevention of future terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms which were enshrined in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance and outcry against periodic threats to their existence, and

WHEREAS, while sunset review dates were attached to certain provisions, the final bill remains, perhaps, the most severe legislative attack on civil liberties since the passage of the Alien and Sedition Acts in the 1790s, and

WHEREAS, under the auspices of both the U.S.A. Patriot Act and related executive orders, persons from the Middle East and South Asia have been unjustly targeted for interrogation and possible deportation, and

WHEREAS, the ability of the Central Intelligence Agency to engage in domestic spying activities, with tragic repercussions, fortunately halted in the 1970s, but is now being revived pursuant to sections 223 and 901 of the Act, and

WHEREAS, section 213 greatly lowers the threshold required for a court to issue a search warrant, and

WHEREAS, section 216 nearly eliminates judicial supervision of telephone and internet surveillance, and

WHEREAS, section 411 gives the U.S. Attorney General extraordinarily broad authority to designate domestic groups as ''terrorist organizations,'' and

WHEREAS, both sections 411 and 412 subject noncitizens to indefinite detention or deportation even if they have not committed a crime, and

WHEREAS, several sections of the bill, including 215, 218, 358, and 508, permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records, and

WHEREAS, there has been an especially strong outcry in Vermont against the ability of federal authorities, under section 215 of the Act, to obtain judicially-issued warrants for library or bookstore patron records based on minimal information, and the accompanying prohibition on librarians and bookstore personnel from revealing any information regarding the request, and

WHEREAS, this provision runs directly counter to the intent of the Vermont General Assembly to protect the privacy of a library patron's records as codified in Title 3 §317(c)(19) of the Vermont Statutes Annotated, and the code of ethics of the American Library Association, and Whereas, both the Fletcher Free Library Commission and the Vermont Library Association have expressed their strongest possible concerns that the U.S.A. Patriot Act undermines constitutionally-guaranteed rights and the privacy of library patrons, and

WHEREAS, Congressman Bernard Sanders has announced his intention to sponsor legislation to exempt libraries and booksellers from the disclosure requirements of the U.S.A. Patriot Act, and

WHEREAS, a number of municipal legislative bodies, including the Burlington City Council, have expressed their deep concerns relative to the U.S.A. Patriot Act's historic degradation of civil liberties, and

WHEREAS, the law gravely threatens the civic values, personal freedoms, and rights that constitute the foundation of our national existence, now therefore be it Resolved by the Senate and House of Representatives: That the General Assembly strongly urges the President and members of the executive branch to review and revise executive orders and policies which have been adopted since September 11, 2001, and be it further

RESOLVED: That the General Assembly strongly urges the United States Congress to

revise the U.S.A. Patriot Act in order to restore and protect our nation's fundamental civil liberties, and, in particular, to enact Representative Sanders' proposal to exempt libraries and bookstores from the provisions of the Act, and be it further

RESOLVED: That the General Assembly requests that the office of the Vermont Attorney General offer legal support to any public library which is subject to a federal suit or administrative enforcement action for refusing to comply with the provisions of the Act related to library patrons' records, and be it further

RESOLVED: That the Secretary of State be directed to send a copy of this resolution to the President of the United States, to each member of the Vermont Congressional Delegation, and to Keith M. Fiels, Executive Director of the American Library Association, in Chicago.

There you have it. Those are the eight State government resolutions, but more than 400 total resolutions and ordinances have been passed, the rest by local, city, and county governments. In fact, on December 13, just 3 days before the first cloture vote on the conference report, the town of Coupeville, WA, became the 400th community or State to pass a resolution to reflect its citizens' concerns about the impact of the PATRIOT Act on constitutional rights. And since then four additional communities have passed resolutions, not to mention the California State resolution I just read.

Let me read a few of these county and city resolutions. I can do more later. Why don't we begin with the four passed in my State of Wisconsin.

Douglas County, this is one of the northern most counties in the State.

Resolution by the Douglas County Board of Supervisors, Subject U.S.A. PATRIOT Act, approved by Douglas County Board of Supervisors.

WHEREAS, Douglas County, Wisconsin, recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes and federal laws, and

WHEREAS, Douglas County, Wisconsin, recognizes that the Bill of Rights, as represented in Exhibit H–5–03, embodies the rights of citizenship that have made the United States of America the land of freedom for more than 200 years, and

WHEREAS, Douglas County, Wisconsin, and the United States have benefited greatly through the constitutional rights and liberties afforded their diverse citizenry, in freedom of speech and assembly, equality before the law and the presumption of innocence, access to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, and

WHEREAS, Douglas County, Wisconsin, affirms its strong opposition to terrorism, and further affirms that any efforts to end terrorism not be waged at the expense of our civil rights and liberties, and

WHEREAS, in the aftermath of the September 11, 2001 terrorist attack, in an effort to unite and strengthen America, and to combat terrorism, Congress passed the USA Patriot Act, and

WHEREAS, it has become apparent that the USA Patriot Act weakens the constitutional protections for every United States citizen as follows:

(1) First Amendment rights, which guarantee ''freedom of religion, of speech, to peaceably assemble, and to petition the government for a redress of grievances,'' are compromised by USA Patriot Act, Sections 802 and 215;

(2) Fourth Amendment protections, which guarantee the ''right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures,'' are compromised by USA Patriot Act Sections 203, 206, 213, and 218; and

(3) Fifth Amendment protections of due process and attorney-client confidentiality are compromised.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors expresses deep concern over any compromise of constitutional freedoms which protect civil rights and liberties for all people of the United States.

BE IT FURTHER RESOLVED, that the Douglas County Board of Supervisors affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of fundamental civil rights and liberties, and that a threat to one person's constitutional rights is a threat to the rights of all.

BE IT STILL FURTHER RESOLVED, that the Douglas County Board of Supervisors requests that United States representatives and senators closely monitor implementation of the USA Patriot Act, as well as Executive Orders issued pursuant to the Act, and actively work to repeal those Sections of the USA Patriot Act that threaten the essential civil rights and liberties of all Americans.

BE IT STILL FURTHER RESOLVED, that any enhancement to the USA Patriot Act, such as USA Patriot Act II (aka Domestic Security Act of 2003), be forestalled until such time as enhancements or changes are done in full view of American citizens.

BE IT STILL FURTHER RESOLVED, that upon passage, a copy of this resolution shall be provided to Governor James Doyle, Senator Robert Jauch, Representative Frank Boyle, each Wisconsin congressional delegate, United States Attorney General John Ashcroft, Secretary of State Colin Powell, and President George W. Bush.

Next, a resolution from the northwestern part of Wisconsin, Eau Claire, WI, a resolution of the City of Eau Claire, WI, approved by the Eau Claire City Council.

WHEREAS, the City of Eau Claire and its citizens being governed by the United States Constitution and the Constitution of the State of Wisconsin; and

WHEREAS, the City of Eau Claire acknowledges that both the United States and Wisconsin Constitutions guarantee her citizens freedom of speech, freedom to peaceably assemble, freedom from unreasonable searches and seizures, freedom of religion, freedom to petition the government for grievances and protection of the rights of the accused; and

WHEREAS, the City of Eau Claire is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its charter and function; and

WHEREAS, the City Council of the City of Eau Claire, while a strong opponent of terrorism and a strong proponent for the safety and security of its citizens, believes that efforts to maintain and enhance public safety and security should not infringe on the essential civil rights and liberties of the people of Eau Claire; and

WHEREAS, the City of Eau Claire recognizes and honors all those who have served in the Armed Forces of the United States of America, and has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle to secure and protect these same cherished rights and liberties; and

WHEREAS, sections of the USA PATRIOT Act now threaten these fundamental rights and liberties; and

WHEREAS, many citizens of Eau Claire, surrounding communities, and other communities across the nation are concerned that the USA PATRIOT Act threatens the civil rights and liberties of citizens of the United States and other nations by

so broadly defining ''domestic terrorism'' that any citizens who use direct action to further their political causes are vulnerable to prosecution as ''domestic terrorists'' (Sec. 802 of the USA PATRIOT Act);

authorizing federal agents to conduct covert searches of a person's home or office without notice of the execution of a search warrant until after the search has been completed, in some cases up to 90 days later (Sec. 213 of the USA PATRIOT Act);

requiring the surrender of ''any tangible things (including books, records, papers, documents and other items)'' and without limits as to the parties from whom the seizure of the above-mentioned tangible things can be required (Sec. 215 of the USA PATRIOT Act);

authorizing the government to install tracking devices on Internet Service Providers which are capable of intercepting all forms of Internet activity, e-mail messages, web page activity and Internet telephone communications whether the client is targeted in an investigation or not (Sec. 216 of the USA PATRIOT Act);

allowing searches to take place without probable cause of criminal conduct (Sec 218 of the USA PATRIOT Act); and

authorizing the United States Attorney General to detain indefinitely non-citizens on immigration violations and to arrest material witnesses not charged with any crime (Sec 412 of the USA PATRIOT Act).

WHEREAS, the City of Eau Claire recognizes that to date some 236 cities, towns, counties and states in the United States of America have passed resolutions, ordinances or ballot initiatives protecting the civil liberties of their residents;

Therefore, we the City Council of Eau Claire, Wisconsin, acting in the spirit of liberty, and to preserve those liberties guaranteed by the Constitutions of the United States of America and the State of Wisconsin, do hereby request that local, state, and federal law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy;

1. Rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, detentions and racial profiling;

2. The Wisconsin Congressional delegation actively work for the repeal of those portions of the Act and its extensions, including ''Patriot Act II'' and national security letters, that violate the rights and liberties guaranteed by the United States Constitution; and

3. The City Clerk communicate this resolution to all City and County departments and employees, Wisconsin's Congressional delegation, the Governor and Attorney General of the State of Wisconsin, and the President and Attorney General of the United States.

Now to the south-central part of the State, our State Capital, Madison, WI, a Resolution to Defend the Bill of Rights and Civil Liberties, approved by the Madison City Council.

WHEREAS, the City of Madison recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes and federal laws;

WHEREAS, the City of Madison has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights granted to all persons by the Universal Declaration of Human Rights and the Constitution of the United States of America;

WHEREAS, the City of Madison greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world, and is vital to our city's unique character;

WHEREAS, the City of Madison affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Madison, the United States and the World;

WHEREAS, the provisions of the USA Patriot Act expands the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non- citizens and threatens civil rights and liberties guaranteed under the United States Constitution;

WHEREAS, the City of Madison recognizes that such infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority;

IT IS THEREFORE RESOLVED, that the City of Madison remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Madison will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

IT IS FURTHER RESOLVED, that the City of Madison joins communities across the nation in expressing concern that the USA PATRIOT Act threatens civil rights and liberties guaranteed under the United States Constitution.

IT IS FURTHER RESOLVED, and is the policy of the City of Madison, to forbid in the absence of probable cause of criminal activity:

1. Any initiation of, participation in, assistance or cooperation with any inquiry, investigation, surveillance or detention; and

2. The recording, filing and sharing of any intelligence information concerning any person or organization, even if authorized by federal law enforcement, acting under new powers granted by the USA PATRIOT Act or Executive Orders. This includes collection and review of library lending and research records, as well as book and video store sales and/or rental records; and

3. The retention of intelligence information.

Information that is currently held shall be thoroughly and carefully reviewed by the City Attorney or other appropriate City official to be designated by the Mayor, for its legality and appropriateness, using the United States and Wisconsin Constitutions. Any information that was collected is permanently disposed of if there is no probable cause of criminal activity; and

4. Enforcement of immigration matters, which are entirely the responsibility of the Immigration and Naturalization Service. No city service will be denied on the basis of citizenship; and

5. Profiling based on race, ethnicity, citizenship, religion, or political values.

IT IS FURTHER RESOLVED, that any state or federal law enforcement agencies working within the City of Madison comply with the policies and procedures of the Madison Police Department, and regularly report to the Mayor the extent and manner in which they have acted under the USA PATRIOT Act or new Executive Orders. This includes the names of any detainees held in the Madison area, or any Madison residents detained elsewhere. The Mayor will then publicly report to the Common Council.

IT IS FURTHER RESOLVED, that the City Clerk communicate this resolution to all city departments, the Governor and Attorney General of the State of Wisconsin, the President and Attorney General of the United States of America and to call upon our congressional representatives to actively work to repeal the USA PATRIOT Act.

IT IS FINALLY RESOLVED THAT, this Resolution shall be severable if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States of America or the State of Wisconsin. If the applicability thereof to any agency, person or circumstances is held invalid, the validity of the remainder of this Resolution and applicability thereof to any other agency, person or circumstances shall not be affected thereby.

Finally, our largest city, Milwaukee, WI. Resolution Affirming the Protection of Citizens' Civil Rights and Civil Liberties. Approved by: Milwaukee City Council.

Whereas, The city of Milwaukee denounces terrorism and acknowledges that Federal, state and local governments have a responsibility to protect the public from terrorist attacks and uphold:

1. Freedom of speech, religion, assembly and privacy,

2. The right to counsel and due process in judicial proceedings, and

3. Protection from unreasonable searches, seizures and detention; and

WHEREAS, the members of the Common Council believe that there is no inherent conflict between national security and the preservation of liberty—Americans can be both safe and free; and

WHEREAS, Federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance the public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, the City of Milwaukee is grateful for the supreme sacrifice of military veterans and law enforcement officers who have died in protecting this country's cherished rights and liberties; and

WHEREAS, the U.S. Congress passed the USA PATRIOT Act on October 26, 2001 with little debate, following the attacks on the United States on September 11, 2001; and

WHEREAS, sections of the USA PATRIOT Act and several Executive Orders, now threaten fundamental rights and liberties, which are guaranteed by the Constitution of the State of Wisconsin and the United States Constitution and its Bill of Rights; the sections of the Act which threaten these human rights and liberties include:

Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home.

Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents.

Section 218 which dilutes the ''probable cause'' requirement before conducting secret searches or surveillance to obtain evidence of a crime.

Section 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records; and

WHEREAS, the City of Milwaukee has a commitment to uphold the human rights of all persons in Milwaukee and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of Wisconsin and the Charter of the City of Milwaukee; now, therefore, be it

RESOLVED, by the Common Council of the City of Milwaukee, that the Common Council expresses its support of protection of citizens' human rights and civil liberties and opposition to those provisions of the USA PATRIOT Act that threaten those rights and liberties; and, be it

FURTHER RESOLVED, That the Common Council recognizes the crucial distinctions between:

Legal and peaceful demonstrations and protests, which are protected by the U.S. and Wisconsin constitutions and laws.

Acts of protest involving civil disobedience of minor law infractions such as disorderly conduct.

Acts of terrorism, which would involve serious threats or violence, such as kidnapping or serious bodily injury to a civilian population; and, be it

FURTHER RESOLVED, That the Common Council affirms its commitment to uphold civil rights and civil liberties and therefore expresses its opposition to:

(a) investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion, without reasonable suspicion of criminal activity, and

(b) racial, religious or ethnic profiling; and, be it

FURTHER RESOLVED, That the Common Council calls upon Wisconsin's federal legislators to monitor the implementation of the USA PATRIOT Act and related federal actions and to actively work for the repeal of those sections of the USA PATRIOT Act that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution; and, be it

FURTHER RESOLVED, That the Common Council urges Wisconsin's federal legislators to support and co-sponsor the Security and Freedom Ensured Act of 2003 (SAFE Act) and urges Congressman F. James Sensenbrenner, chair of the House Judiciary Committee, to schedule hearings on the SAFE Act; and, be it

FURTHER RESOLVED, That the City of Milwaukee opposes any unfunded federal mandates instructing local police to attempt to enforce the complex civil immigration laws of the U.S. to the detriment of their primary law enforcement duties, as articulated by the Boston Police Commissioner: ''turning all police officers into immigration agents . . . will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result''; and, be it

FURTHER RESOLVED, That the City of Milwaukee remains committed to the protection of civil rights and civil liberties for all people and will uphold the constitutionally protected rights of all people to peacefully express their political views without governmental interference and that officers of the Milwaukee Police Department be trained consistent with the above principles; and, be it

FURTHER RESOLVED, That the Common Council opposes requests by federal authorities that, if granted, would cause agencies of

the City of Milwaukee to exercise powers or cooperate in the exercise of powers in violation of any city ordinance or the laws or Constitution of the State of the United States; and, be it

FURTHER RESOLVED, That in order to assess the effect of antiterrorism initiatives on the residents of the City of Milwaukee, the Common Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act; and, be it

FURTHER RESOLVED, That the City of Milwaukee joins 43 million Americans, 250 communities in 37 states across the nation and the National League of Cities as of February 24, 2004 in expressing concern that existing elements of the USA PATRIOT Act threaten civil rights and liberties guaranteed under the U.S. Constitution.

Mr. President, I shared with my colleagues the resolutions of all eight States in this country, all the way from Alaska to Maine, that express deep concerns about provisions of the USA PATRIOT Act. This was our opportunity to respond to the voices of those legislatures and the people of those States, to their heartfelt concerns about the degradation of their civil liberties. Many of these are not liberal States. Many of these are some of the reddest of the red States, to put it into common parlance, and they are some of the strongest States when it comes to the question of whether someone's library records or business records should be obtainable on no showing whatever—whatever—that someone is connected either to terrorism or any kind of wrongdoing at all. That is American common sense, whether you are standing in Maine, Wisconsin, or Alaska.

I only shared 4 of the 400 resolutions from city councils and county governments that essentially say the same thing. But I did share four from all over my State of Wisconsin where I believe the sentiment is strong that there simply is no reason why we cannot get the balance right, why we can't always err on the side of more government power, where the feeling is that somehow we are capable in this Congress and in this Government and in this country of getting the terrorists and stopping the terrorists, but also protecting the fundamental rights on which this country is founded.

It is not just my words. I happen to have been the only person to vote against the original USA PATRIOT Act in this Senate. But what I have begun to share is the fact that hundreds and hundreds of governmental units across this country have passed resolutions by the elected representatives in those communities or in those States, saying, wait, there are problems with the USA PATRIOT Act and they must be fixed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the vote on adoption of the conference report to accompany H.R. 3199, the PATRIOT Act, occur at 3 p.m. tomorrow, with no further intervening action or debate. I further ask that the time until 2:30 be equally divided, with 1 hour of the time controlled by the minority to be under the control of Senator FEINGOLD and that the time between 2:30 and 3 p.m. be equally divided between the majority leader and the Democratic leader or their designees.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Reserving the right to object, I want the record to be spread with my appreciation to Senator FEINGOLD for working with us. Because of his agreeing to give up part of the time, it is going to make it more convenient for Members who have other things they would like to be doing, including another matter to vote on as soon as we finish this. So I want the record to indicate that I speak for many Senators in expressing appreciation to Senator FEINGOLD for working with us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, yesterday I opposed cloture on S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006. Although I support Senator SUNUNU's bill, I voted against ending debate on it because Members of the Senate should have the right to offer amendments to this legislation, which implicates some very weighty constitutional and civil liberty issues. Today, I voted in support of S. 2271 on its merits because I believe it improves the PATRIOT Act conference report. I will continue to work with Senators FEINGOLD, SPECTER, and others to make more improvements such as those included in the bipartisan Senate PATRIOT Act reauthorization bill, which passed unanimously last July.

GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, I wish to take a brief moment to acknowledge an important feat of one of our Members. At approximately 5 o'clock today, the distinguished Senator from Oklahoma, Mr. COBURN, reached his 100th hour of presiding. Senator COBURN will be the second Senator in the 109th Congress to receive the Golden Gavel Award.

Most Members will agree that the best way to learn about Senate procedure is to preside over the Senate Chamber. Senator COBURN has done so with distinction. He has done so with honor and with a firm but fair gavel. In addition to his regular presiding time, Senator COBURN has volunteered to preside and fill in on those late nights and weekends when we are in dire need of help in the Chair. We all thank him for that.

The Senate owes a debt of gratitude to the Senator from Oklahoma. We thank him for his service and congratulate him on this outstanding achievement.

AUTISM SPECTRUM DISORDER

Mr. FRIST. Mr. President, each year roughly 24,000 children in the United States are born with an autism spectrum disorder. Over my short lifetime in medicine, the last 30 years, it has been remarkable to see the increase in autism spectrum disorder, a disorder which we don't understand today. We have made progress, but we don't understand it. The symptoms are tragic in many ways. They can be severe, or they have the spectrum from mild to severe. Autistic infants display abnormal reactions to various sensory stimuli, whether it is light or touch or smells, where touches can be experienced as being very painful, smells can be experienced as being very unpleasant. Loud noises and bright lights may cause reactions that involve a range of emotions, including weeping.

As the child grows older, they sometimes avoid cuddling or touching even close family members—again, this is a broad spectrum—many times preferring to stay alone, to play by themselves. By adolescence, these symptoms can become unbearably acute. You can imagine the impact this has on parents who become bewildered. Some lose hope. It is more common than childhood cancer today.

A lot of people don't realize that the incidence and prevalence of this has increased to the point that it surpasses childhood cancer. It can tear apart families—even the strongest families. The reason I bring it to the floor today is, I spent a good part of today talking to various people whose families have been affected. My own family has been affected by it. And as a physician, a doctor, as somebody who has devoted the majority of his adult life not to politics but to healing, I do believe that that combination of physician and legislator gives me certain responsibilities but also certain opportunities to push the frontiers of health, especially when we don't know the cause, the etiology.

That is why 6 years ago I sponsored the Children's Health Act of 2000. That was the first bill that looked at a whole spectrum of childhood diseases, one of which was autism. The legislation directed the National Institutes of Health to expand, to intensify, and to coordinate research into autism—this very complex, very poorly understood disorder. Progress has been made, but now the time has come to reauthorize that legislation.

Under the Children's Health Act, the NIH established the interagency coordinating committee to coordinate all autism-related activities at the Health

and Human Services Agency. The committee represents a broad range of interests, including parents, doctors, and researchers engaged with this disease. The NIH also created eight Centers of Excellence in autism research across the country to conduct basic clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of autism. These eight centers have shown and demonstrated true success.

In 2001, NIH spent about $56 million on autism-related research. Three years later, that number went up to $100 million. What is especially remarkable is what the private sector, through philanthropy and organizations, has done in complementing and supplementing those funds. Unfortunately, we still don't know what causes autism, but we know that we must find a cure. It is time for us to reauthorize the autism provisions in the Children's Health Act. I look forward to working with my colleagues to do that. Children are our Nation's most precious resource. We must continue to push for a sustained investment and commitment to curing this heartbreaking disorder.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL VISIT TO INDIA

Mr. CORNYN. Mr. President, as I am sure all of my colleagues are aware, President Bush arrives today in India, where he will meet with Prime Minister Dr. Manmohan Singh. As the President observed on February 22, ''We have an ambitious agenda with India. Our agenda is also practical. It builds on a relationship that has never been better. India is a global leader, as well as a good friend, and I look forward to working with Prime Minister Singh to address other difficult problems such as HIV/AIDS, pandemic flu, and the challenge posed by Iran's nuclear ambitions. My trip will remind everybody about the strengthening of an important strategic partnership. We'll work together in practical ways to promote a hopeful future for citizens in both our nations.''

One of the most important items of business between the United States and India is the agreement for these two great democracies to cooperate on civil nuclear energy, which President Bush and Prime Minister Singh announced this past July. I have previously spoken in support of this initiative. I am hopeful that we will soon reach an agreement on the details of the plan and look forward to the Senate's consideration of the legislation that will implement the agreement.

The civil nuclear agreement with India is important for a number of reasons, ranging from improving global nonproliferation efforts to lessening India's demand on fossil fuels. I would like to emphasize that India and the United States have common interests in preventing the proliferation of weapons of mass destruction and related materials. Indeed, India has repeatedly made the hard decision to stand with the United States in seeking a peaceful solution to Iran's nuclear weapons ambitions.

However, it would be a mistake to confine the significance of the President's mission to India to nuclear issues. India is not only the world's largest democracy but a rapidly growing consumer market for American goods and services. Unlike some other developing economies, India's growth is not confined to heavy industry geared for the export market. Because India's economic dynamo is being driven from the bottom up, satisfying the needs of a rising middle class points to a balanced, healthy commercial relationship with the United States.

President Bush's visit to India is an opportunity to advance our partnership across the full range of issues: expanded cooperation on economic growth and development; mutual commercial opportunities, combating international terrorism; and a full field of cooperation on space, agriculture, energy and the environment, and high technology. I wish him the greatest success in all of these areas.

DAY IN AMERICAN HISTORY

Mr. SMITH. Mr. President, I rise today to reflect on a momentous day in American history. On this day in 1780, Pennsylvania became the first State in our Nation to abolish slavery. The Gradual Abolition Act was an important first step in our Nation's history toward greater equality for all Americans.

Last month, 226 years later, we celebrated Black History Month. And, we have much to celebrate since 1780. The accomplishments of African-Americans and their tremendous sacrifices have strengthened our great Nation and we recognize their enormous contributions to our diverse culture.

In 1870, the 15th amendment to the Constitution granted African-American men the right to vote by declaring that the ''right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.''

It would be almost a century, however, for the true spirit of the 15th amendment to be fully realized. Through the use of literacy tests, poll taxes, and other means, African-Americans were effectively disenfranchised in many parts of the Nation. Significant numbers of Black Americans across the country were not registered to vote until the Voting Rights of Act of 1965 was enacted.

Organizations such as the National Association for the Advancement of Colored People, NAACP, have continued the effort to gain true equality for African-Americans. In my home State of Oregon, the Portland chapter of the NAACP was founded in 1914. It remains the oldest continually chartered chapter west of the Mississippi River.

As we continue to make strides in the battle for equality, we remember the tremendous accomplishments of African-Americans. But the struggle is not over. We can always do better. We must continue to fight to fulfill the legacy of the civil rights movement and ensure that all Americans have equal rights and opportunities.

PROSECUTION IS NOT PREVENTION

Mr. LEVIN. Mr. President, it is sometimes argued that ''prosecution is prevention'' when it comes to gun violence. While I agree that our gun laws should be strictly enforced, prosecuting criminals is only part of the solution to our Nation's problems with guns. True prevention involves reducing the likelihood of death or injury before an incident occurs. In addition, it is important to recognize that prosecution has little or nothing to do with the thousands of accidental shootings and gun suicides that occur each year. Unfortunately, we have still not done enough to prevent dangerous guns from falling into the hands of potential criminals, children, and others who may intentionally or unintentionally use them to harm themselves or others.

Physicians for Social Responsibility, or PSR, is a leading public policy organization made up of more than 24,000 medical and public health professionals which has been active in the fight to solve the problem of gun violence in our Nation. PSR is one of many groups who view gun violence as a ''preventable public health epidemic.'' As it states on its Web site:

> Public health practice focuses resources on prevention, rather than a traditional criminal justice, ''after the fact'' method of reacting to violence through arrest, conviction and incarceration of violent offenders. Just as public health policy recognizes that immunizing a patient against the measles is far superior to treating a patient already infected, the same logic can be applied to guns.

If we are serious about preventing gun violence, we must first reduce the ability of criminals to acquire dangerous firearms. One way of doing this is by requiring background checks on all firearms sold in the United States, instead of only those that are sold by licensed dealers as is prescribed under current Federal law. According to the Coalition to Stop Gun Violence, ''two out of every five guns acquired in the United States, including guns bought at gun shows, through classified ads, and between individuals, change hands without a background check.'' The Coalition to Stop Gun Violence also estimates that ''extending criminal background checks to all gun transactions

in the United States could prevent nearly 120,000 additional illegal gun sales every year.''

Prevention of unintentional shooting and suicide by children requires that proactive steps be taken to reduce access to dangerous firearms. A study published last year in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun can be reduced by 61 percent when ammunition in the home is locked up. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

Prosecution of gun violence perpetrators alone is not an effective means of preventing injury or death caused by guns, although opponents of commonsense gun safety legislation argue that it is. Unfortunately, our gun safety laws do not include many proactive measures that would reduce the likelihood that a gun is used to kill or injure. I hope my colleagues will join me in working to address this problem.

HONORING COACH EDWARD THOMAS

Mr. GRASSLEY. Mr. President, I am proud to say that I have recently discovered, almost literally in my own backyard, an Iowan who has received an honor of national significance. Mr. Edward Thomas, the head football coach at Aplington-Parkersburg High School, is the recipient of the 2005 NFL High School Coach of the Year award. He was honored with tickets to Super Bowl XL as well as monetary awards for himself and his football program.

Coach Thomas has been coaching for 34 years, 31 of those at Aplington-Parkersburg. His overall record at Aplington-Parkersburg is 249 wins and 58 losses. He has guided his teams to the State playoffs 15 times, winning 2 State titles and has won 15 conference or district championships during that time. In his 34 years of coaching, he has won such awards as the National Federation High School Football Coach of the Year in 2004, Northeast Iowa Coach of the Year 5 times and was inducted into the Iowa High School Football Coaches' Association Hall of Fame in 1990. With an enrollment of almost 300 at Aplington-Parkersburg, Coach Thomas has produced 4 active NFL players—Detroit Lions defensive end Jared DeVries, Jacksonville Jaguars guard Brad Meester, Kansas City Chiefs center Casey Wiegmann and Green Bay Packers defensive end Aaron Kampman.

Coach Thomas also teaches life lessons and Christian principles while emphasizing the adversity and teamwork of football as a reflection of life in the real world. As Aaron Kampman put it, ''He strives to make men better through the game of football.'' Kampman also stated, ''You get goosebumps playing for the guy, the essence of playing under the lights on Friday night he brought that to the forefront.''

While the Aplington-Parkersburg Falcons are rivals to my hometown team, the Dike-New Hartford Wolverines, I am very proud that an Iowan has been honored in this way. I offer my sincere congratulations to Coach Thomas on this most prestigious honor and wish him continued success.

ADDITIONAL STATEMENTS

KIMMIE MEISSNER

• Ms. MIKULSKI. Mr. President, I rise today to honor Kimmie Meissner, a great Olympian and the pride of Bel Air, MD. We in Maryland are so proud of Kimmie. Sixth at the Olympics at the age of 16 is a monumental achievement.

Like many of my colleagues, I was glued to the television set to watch our U.S. athletes in Torino. I was so impressed with Kimmie's performance, I only wish I could have been there to lead the applause for our hometown girl. She may have come in sixth in Torino, but she came in first in the hearts of the people of my great State.

But Kimmie's accomplishments didn't begin in Torino. She began her figure skating career 10 years ago at the age of 6. At the age of 6. She has been a true student athlete for almost her entire life, balancing her school work with her training. Kimmie goes to Fallston High School in Harford County every day, and when school is over she drives to Delaware to train for her second shift as a competitive figure skater.

Kimmie shows maturity far beyond her years, both on and off the ice. She supports the Leukemia Society and the Johns Hopkins Hospital Children's Center, taking time out of her life to visit with sick young people.

On the ice, Kimmie couldn't have a better attitude. She says her motto is, ''enjoy what you do; do what you enjoy.'' I can think of few young people who have such a thoughtful approach to life. At 16 years old, she has the brightest future of anyone of our Olympic skaters, and I can't wait for the Vancouver Olympics in 2010.

March is Women's History Month and the time when we celebrate the achievements and struggles of women in America. Frequently, we point to those who have come before us and who have paved the way for current advances. But it is only right and proper that in this 2006 Women's History Month, we salute young women like Kimmie and the honor she brought the United States with her talent, skill, and sportsmanship.

Thank you, Kimmie, for making us so proud. Thank you for representing all that is good and true about America's young people. And though I cannot tell a salchow from an axel, let alone a loop from a lutz, even I could recognize your grit, grace, and promise of an even more glittering future.•

TRIBUTE TO REGINA RUSH-KITTLE

• Mr. DODD. Mr. President, I rise today to honor a dedicated public servant and a groundbreaker in her field, Lieutenant Regina Rush-Kittle. On March 3, Lieutenant Rush-Kittle will receive the Officer of the Year award from the Connecticut Association of Women Police.

Regina Rush-Kittle's long and distinguished law enforcement career began in 1983. After graduating from the University of Connecticut with a degree in political science, Lieutenant Rush-Kittle served as a correctional officer at a high security correctional institution for 2 years. She then joined the Middletown Police Department, becoming the first African-American female police officer on the force. She served as a patrol officer for 2 years prior to being accepted into the Connecticut State Police Academy.

Regina Rush-Kittle has been a trailblazer for African-American women in Connecticut law enforcement. After serving as the first African-American woman on the Middletown police force, she went on to become the first African-American woman to attain the rank of sergeant in the Connecticut State Police Department. Most recently, after scoring number one on both the lieutenants exam and master sergeants exam, Regina Rush-Kittle was promoted to lieutenant, the first African-American female to attain that rank in the department's 100-year history. Her current assignment as commander of the Bethany barracks makes her the first African-American woman in State history to command a barracks.

Lieutenant Rush-Kittle's tireless commitment to her community, her State, and her country extends beyond her achievements in Connecticut law enforcement. She is a long-serving Marine and Army Reservist. In 2003, she was deployed to Kuwait for a year, serving with the 804th Medical Brigade out of Fort Devens, MA. Upon her return in February 2004, she attained the rank of sergeant major, taking on responsibilities far beyond the normal obligations to serve 1 weekend per month and 2 weeks in the summer. Despite being eligible for retirement from the Reserves, Lieutenant Rush-Kittle continues to serve.

Regina Rush-Kittle is an outstanding citizen who goes above and beyond to protect her fellow citizens, her State, and her country. I commend her for her continued dedication, and congratulate her, her husband William, and her two children Jorrell and Gianna on this wonderful occasion.•

MESSAGE FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement

Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1096. An act to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site.

H.R. 1259. An act to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

The message further announced that pursuant to 22 U.S.C. 276h, and the order of the House of December 18, 2005, the Speaker on February 16, 2006, appointed the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman, and Mr. MCCAUL of Texas, Vice Chairman.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1096. An act to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Energy and Natural Resources.

H.R. 1259. An act to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve Country in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5813. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–5814. A communication from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting, pursuant to law, the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2005 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–5815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency and related measures blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5816. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation H and Y—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions'' ((RIN1557–AC–90) (Docket No. R–1087)) received on February 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5817. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions'' (RIN1557–AC90) received on February 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5818. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Insuring Authority To Direct Endorsement Mortgages; Announcement of Information Collection Effective Date'' ((RIN2502–AG87) (FR–4169–F–04)) received on February 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5819. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–5820. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report relative to compliance during calendar year 2005 with the Government in Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–5821. A communication from the Director, Office of Budget and Management, Executive Office of the President, transmitting, pursuant to law, the Office of Budget and Management's 2006 Federal Financial Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–5822. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's calendar year 2005 report relative to the Government in the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–5823. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, a report relative to the Institution's competitive sourcing activities for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–5824. A communication from the Director, Insurance Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Acquisition Regulation: Technical Amendments'' (RIN3206–AJ20) received on February 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5825. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Temporary Organizations'' (RIN3206–AJ70) received on February 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5826. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure'' (RIN3206–AK64) received on February 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5827. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Regulations Governing Small Power Production and Cogeneration Facilities'' (Docket No. RM05–36–000) received on February 27, 2006; to the Committee on Energy and Natural Resources.

EC–5828. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards'' (Docket No. RM05–30–000) received on February 27, 2006; to the Committee on Energy and Natural Resources.

EC–5829. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's report relative to its competitive sourcing efforts for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–5830. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the Department's Fiscal Year 2002 Report on the Community Food and Nutrition Program (CFNP); to the Committee on Health, Education, Labor, and Pensions.

EC–5831. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to the impact of the improvements to compensation and benefits made by title VI of the National Defense Authorization Act for Fiscal Year 2000; to the Committee on Armed Services.

EC–5832. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to Title 10, U.S. Code 2464 requiring notification of Congress the first time a weapon system or other item of military equipment is determined to be a commercial item; to the Committee on Armed Services.

EC–5833. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department of Defense Competitive Sourcing Report for Fiscal Year 2005; to the Committee on Armed Services.

EC–5834. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay to government civilian employees working in Dushanbe, Tajikistan; to the Committee on Foreign Relations.

EC–5835. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–35–06–43); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT, from the Committee on Rules and Administration, without amendment:

S. 2349. An original bill to provide greater transparency in the legislative process.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. KENNEDY, Mr. LEVIN, Mrs. CLINTON, Mr. AKAKA, Mr. LAUTENBERG, Mrs. BOXER, and Mr. DAYTON):

S. 2342. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 2343. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 2344. A bill to amend title XVIII of the Social Security Act to extend the employer subsidy payment provisions under the Medicare prescription drug program to State Pharmaceutical Assistance Programs; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2345. A bill to amend the Internal Revenue Code of 1986 to exempt passenger vehicles eligible for the alternative motor vehicle credit and the credit for qualified electric vehicles from the limitation on depreciation for luxury automobiles; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2346. A bill to amend the Ojito Wilderness Act to make a technical correction; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. ROCKEFELLER):

S. 2347. A bill to amend the Internal Revenue Code of 1986 to extend and modify the tax credit for holders of qualified zone academy bonds; to the Committee on Finance.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 2348. A bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 2349. An original bill to provide greater transparency in the legislative process; from the Committee on Rules and Administration; placed on the calendar.

By Mr. JOHNSON:

S. 2350. A bill to prohibit States from carrying out more than one congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. DAYTON):

S. 2351. A bill to provide additional funding for mental health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TALENT (for himself, Mr. DURBIN, Mr. FRIST, and Mr. SUNUNU):

S. Res. 386. A resolution honoring the Pre-Negro Leagues and Negro Leagues baseball players and executives elected to the National Baseball Hall of Fame Class of 2006; considered and agreed to.

ADDITIONAL COSPONSORS

S. 103

At the request of Mr. TALENT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 474

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 474, a bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 637

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 637, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 877

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1257

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1257, a bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1605

At the request of Mr. KYL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of

S. 1605, a bill to amend title 18, United States Code, to protect public safety officers, judges, witnesses, victims, and their family members, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1951

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1951, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2008

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2008, a bill to improve cargo security, and for other purposes.

S. 2134

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2134, a bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2287

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2287, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 2314

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2314, a bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2327

At the request of Mr. ALLEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2327, a bill to require the FCC to issue a final order regarding white spaces.

S. 2333

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. CON. RES. 79

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2343. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, this week marks the 6-month anniversary of when Hurricane Katrina ravaged the gulf coast, destroying lives and dreams along the way. Thousands upon thousands of homes were also ruined, and today they remain simply a heap of debris.

I saw this devastation firsthand a few weeks ago when, as a member of the Homeland Security and Governmental Affairs Committee, we traveled to Gulfport and New Orleans for field hearings to see what resources are necessary to help the region recover from the largest natural disaster in our history.

In fact, this photograph was taken by one of the press people who was on that trip. So we saw this scene firsthand. Alison Vekshin of Stephens Media took this photo.

I remind my colleagues that Hurricane Katrina completely destroyed 205,330 homes in Louisiana. It completely destroyed 68,729 homes in Mississippi. And 363 homes were completely destroyed in Alabama. For many of these families who lost everything, a place to live would offer opportunity for them to go back to work and begin rebuilding their lives.

I was told by local and State leaders that housing is the catalyst to get businesses open, to get people back to work, to pump money back into the local economy, and to restore the infrastructure that once existed.

Many people along the gulf coast who lost their houses have also lost hope. In Arkansas, we have a place called Hope where 10,777 manufactured homes sit on an airfield.

These homes—ordered by FEMA and paid for by FEMA—now sit in a FEMA-leased site, only to be restricted from use in the gulf region because of a FEMA-imposed rule that prevents them from being located in a floodplain.

FEMA is now accepting bids to gravel the area where the homes are sitting on dirt, costing taxpayers another $4 to $7 million. In addition, FEMA is buying a specially designed jack for each corner of each home to prevent sagging and further damage.

These manufactured homes epitomize FEMA's ineptitude in planning, communication, and response. Taxpayers have now spent an estimated $475 million for these homes to sit gridlocked in bureaucracy, even as evacuees are evicted from hotel rooms and thousands of others struggle to find affordable housing.

Congressman MIKE ROSS of Arkansas asked FEMA to waive the floodplain restriction that stands in the way between the homeless and a home. But FEMA refused, citing that manufactured homes are ''sitting ducks'' for the next natural disaster. These homes, I have to remind my colleagues, were built to high wind zone 3 specifications, so while they may not withstand the next hurricane—although they may—they will not tumble over during a storm.

Now, we are telling FEMA to let hope travel to where it is needed most, from

Arkansas to Mississippi, Louisiana, and Alabama.

My legislation, the Hope Housing Act of 2006, allows manufactured homes bought for Katrina and Rita victims to be located in floodplains, protects FEMA from responsibility if the homes are subsequently flooded, and directs FEMA to publicize this change so people will know they are available.

This is a one-time change that I believe is necessary in the face of what I hope will be a one-time disaster. We have people without homes and homes without people. Let's allow the homes to go where they are needed so the people in New Orleans and the gulf coast can return to their communities and help rebuild them. The alternative seems to be to let them sit and deteriorate in Hope, Arkansas.

Mr. President, 6 months is too long to allow this nonsense to continue. I urge my colleagues to support this commonsense solution that allows hurricane victims a little hope and opportunity for their future.

The bottom line is that basically FEMA ordered these homes, paid for these homes, and now they are storing these homes, but their own regulation will not allow them to use them where they are most needed. So what our legislation does is allow FEMA to put these homes down where they are needed to try to get the economic cycle in New Orleans and the gulf coast area going again because right now the cycle is broken. They do not have people down there to work the jobs. They do not have people down there to be consumers. And the reason they do not have people is because they do not have a place to live.

So I urge my colleagues to consider helping in this effort. The Hope Housing Act of 2006 is a very commonsense solution for this very critical need.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2345. A bill to amend the Internal Revenue Code of 1986 to exempt passenger vehicles eligible for the alternative motor vehicle credit and the credit for qualified electric vehicles from the limitation on depreciation for luxury automobiles; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of a bill I introduced today that may be cited as the ''America's Business Choice Act'' be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2345

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 ''America's Business Choice Act''.

SEC. 2. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) IN GENERAL.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. CONRAD (for himself and Mr. ROCKEFELLER):

S. 2347. A bill to amend the Internal Revenue Code of 1986 to extend and modify the tax credit for holders of qualified zone academy bonds; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am reintroducing, with Senator ROCKEFELLER, a bill to make some small but important changes to the Qualified Zone Academy Bond, QZAB, program.

The QZAB program helps qualifying schools renovate and update school buildings. Schools issue special bonds to finance the cost of renovation. Purchasers of the bonds receive a Federal tax credit in lieu of interest on the bond, thus helping to reduce the cost to the school. Most States are now using this program to modernize their school facilities. The QZAB program expired in 2005, but the Tax Reconciliation bill that will soon be considered by a conference committee extends the program.

We are proposing to make modest changes in the QZAB program to make it even more useful to schools across the country. Our bill would expand the pool of bond purchasers to include all taxpayers, both individuals and other entities. Currently, only financial institutions can buy QZABs, which precludes pension funds and mutual funds from purchasing QZABs.

Our bill would also allow QZABs to be ''stripped'' so the purchaser could then sell separately the principal portion of the bond and the tax credit. This will encourage the development of a secondary market for the bonds and reduce the discount costs making more of the proceeds available for school-related expenses. It will also open the market to nonprofit entities such as public employee pension funds.

The bill revises the allocation formula to the States to better align with Title I, the program for disadvantaged students. Current law requires that allocations be made on the basis of a State's population living below poverty. This change simplifies and updates by tying funding to the formula used to distribute Title I funding for disadvantaged students.

Unused bonding authority would be reallocated to other States. A few States have not used their allocations, and their bonding authority has lapsed. However, the demand in many States now far exceeds their allocation. Allowing funds to be reallocated would maximize the potential of the QZAB program.

Finally, our bill would allow QZABs to be used for new construction and to purchase land for school buildings. We believe QZABs have been proven to be a cost-effective method for financing school renovation. With this additional flexibility, States can effectively reduce their construction backlogs.

School districts across the country have praised the QZAB program for helping them to address serious problems in their buildings. This is a good program. We can make it even better by enacting these small reforms. I urge my colleagues to join us in supporting this important measure.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 2348. A bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, less than 2 months ago, it was announced by Exelon Nuclear that an environmental monitoring program discovered higher than normal concentrations of tritium in the groundwater near the Nuclear Generating Station in Braidwood, IL.

Indications are that this tritium plume is the result of an accidental radioactive wastewater release that occurred approximately 6 to 8 years ago, and now the tritiated water has migrated underground into several drinking wells of nearby residents.

While most of the issues associated with this situation are still under investigation, one issue is clear. Community residents, particularly the State and local officials responsible for the safety and health of their constituents, did not receive full or immediate notification of this contamination—either from Exelon, or the Nuclear Regulatory Commission, NRC, the Federal agency with oversight over nuclear plant operations.

I was surprised to learn, that while Federal law requires State and local officials to be notified immediately upon a ''declared emergency,'' Federal law does not require State and local officials to be notified of any other accidental, unplanned, or unintentional radioactive substance releases that may occur if those releases do not immediately rise to a public health or safety threat. And while those incidents must be documented with the NRC and made available to the public, accessing that information is contingent upon the public and State and local officials actually knowing that these incidents ever occurred.

When radioactive substances are released into the environment outside of normal operating procedures, notifying State and local officials should not be a courtesy; it should be the law.

That's why today I am introducing the Nuclear Release Notice Act of 2006, a bill designed to expand the public's right to know when radioactive substances are released from a reactor. Specifically, the bill is designed to accomplish the following: (1) to ensure that the licensees notify State and local officials at the same time the NRC is notified regarding unplanned incidents that occur at local nuclear power plants; (2) to add State and local reporting requirements not just on incidents regarding fissionable material releases, but on all unplanned radioactive substance releases that are outside of normal operating limits; (3) to add State and local reporting requirements when releases exceed not just NRC limits for normal operation, but also when they exceed other Federal limits and standards for groundwater and other types of contamination; (4) to ensure than any repeat unplanned releases of radioactive substances—even if within allowable limits—that occur more than twice within 2 years are reported to State, local and NRC officials—so that we all know when poor maintenance, malfunctions of poor design are going unfixed; and (5) to provide that violations of this provision could result in the revocation of the operating license of the licensee.

As energy demand throughout the Nation increases in the coming decades, we will be challenged in how best to meet these consumption demands without sacrificing the environment. That means using all of our energy resources fully and wisely, including wind, solar, and other important renewable power-generating resources.

Moreover, as Congress considers policies to address air quality and the deleterious effects of carbon emission's on the global ecosystem, it is reasonable—and realistic—for nuclear power to remain on the table for consideration. Illinois has 11 nuclear power plants—the most of any State in the country—and nuclear power provides more than half of Illinois' electricity needs.

The people of Illinois—and all residents who live near nuclear power plants—have a right to know when actions are taken that might affect their safety and well-being. This bill furthers this commonsense goal, and I urge my colleagues to support it.

By Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. DAYTON):

S. 2351. A bill to provide additional funding for mental health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today to double the funding for veterans mental health care over the next 5 years.

Our brave veterans returning from Iraq and Afghanistan have faced unspeakable horrors. They have seen people killed and wounded, experienced the stress of urban warfare, and endured other traumatic events. These experiences undoubtedly take their toll. However, it can take months or even years for these events to impact a person's mental health.

The need for this legislation is clear. Just today, the Washington Post reported that more than one in three soldiers and Marines who have served in Iraq later sought help for mental health problems. And we already know that the Veterans' Administration treated almost 19,000 Iraq and Afghanistan veterans for post-traumatic stress disorder, PTSD, between 2002 and 2005. These numbers will continue to increase.

This legislation will help ensure that the VA has the resources necessary to treat veterans with mental illness. First, it authorizes the VA to spend at least $3.6 billion in 2007—up from $2.8 billion in 2006—and increases funding to $5.6 billion by 2011. Second, it requires an annual report about progress in implementing milestones from the VA Mental Health Strategic Plan.

This bill is supported by AMVETS and Disabled American Veterans.

It is imperative that we make a long-term commitment to provide mental health services to our veterans, who have sacrificed so much for us. I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 386—HONORING THE PRE-NEGRO LEAGUES AND NEGRO LEAGUES BASEBALL PLAYERS AND EXECUTIVES ELECTED TO THE NATIONAL BASEBALL HALL OF FAME CLASS OF 2006

Mr. TALENT (for himself, Mr. DURBIN, Mr. FRIST, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas African Americans began to play baseball in the late 1800s on military teams, college teams, and company teams, and eventually found their way onto professional teams with White players;

Whereas the racism and ''Jim Crow'' laws that forced African American players from their integrated teams by 1900 compelled those dedicated players to form their own ''barnstorming'' teams that traveled throughout the United States and offered to play any team willing to challenge them;

Whereas, in 1920, the Negro National League was created under the guidance of Andrew ''Rube'' Foster, a former player, manager, and owner of the Chicago American Giants, at a meeting held at the Paseo YMCA in Kansas City, Missouri;

Whereas soon after the Negro National League was formed, rival leagues were assembled in eastern and southern States, bringing the thrills and innovative play of African American ballplayers to major urban centers and rural countrysides throughout the United States, Canada, and Latin America;

Whereas, from the 1920s to the 1960s, over 30 communities located throughout the United States were home to teams in 1 of the 6 Negro Leagues;

Whereas the Negro Leagues maintained a high level of professional skill and became centerpieces for economic development in their communities;

Whereas, in 1945, the Brooklyn Dodgers of Major League Baseball recruited Jackie Robinson from the Kansas City Monarchs, making Robinson the first African American in the modern era to play on a Major League Baseball roster;

Whereas the integration of Major League Baseball, which soon followed the signing of Jackie Robinson, prompted the decline of the Negro Leagues because the Major Leagues began to recruit and sign the best African American ballplayers;

Whereas it has been recognized by numerous baseball authorities that many of the greatest players ever to play the game of baseball played in the Negro Leagues, rather than Major League Baseball;

Whereas, on February 27, 2006, the National Baseball Hall of Fame announced that Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson had been elected to the National Baseball Hall of Fame Class of 2006;

Whereas less than 1 percent of all professional baseball players have been honored with induction into the National Baseball Hall of Fame;

Whereas we congratulate Ray Brown, an ace starter for the Homestead Grays who—

(1) ranks among the top Negro Leagues pitchers in total wins and winning percentage; and

(2) pitched a perfect game in 1945 as well as a one-hitter in the 1944 Negro World Series;

Whereas we congratulate Willard Brown, an outfielder with the Kansas City Monarchs who—

(1) lead the Negro American League in home runs and batting average during numerous seasons; and

(2) was considered by many to be the Negro American League version of Josh Gibson;

Whereas we congratulate Andy Cooper, a pitcher with the Detroit Stars and Kansas City Monarchs who—

(1) had a knack for changing the speed of his pitches;

(2) was the all-time leader in every Detroit Stars pitching category;

(3) was among the top 10 leaders in career wins, strikeouts, shutouts, and winning percentage in Negro Leagues history; and

(4) later in his career became the manager of the Kansas City Monarchs and lead them to 3 pennants;

Whereas we congratulate Frank Grant, a second baseman with tremendous range and a strong arm who—

(1) hit over .300 in 4 seasons with White minor league teams until the color lines forced him out of the league in 1886;

(2) played for top-rated African American teams until 1903; and

(3) who displayed a unique blend of speed and power in the International League that allowed him to turn 1 out of every 4 base hits into extra bases;

Whereas we congratulate Pete Hill, a premier outfielder who—

(1) played brilliantly for the Cuban X-Giants, Philadelphia Giants, Chicago Leland Giants, and the Chicago American Giants before the formation of the Negro Leagues;

(2) during his 1911 season as an American Giant, hit safely in 115 out of 116 games; and

(3) was rated the fourth best outfielder in the renowned 1952 Pittsburgh Courier player-voted poll of the best players of the Negro Leagues;

Whereas we congratulate Biz Mackey, a strong-armed catcher who—

(1) ended his career with a lifetime batting average well over .300;

(2) ranked among the top Negro Leaguers in lifetime total bases, RBIs, and slugging percentage; and

(3) later managed the Baltimore Elite Giants and the Newark Eagles who, under his skill and leadership, won the Negro World Series in 1946;

Whereas we congratulate Effa Manley, the co-owner of the Newark Eagles, who—

(1) has become the first woman elected to the National Baseball Hall of Fame; and

(2) in addition to her efforts in baseball, played an active role in the Civil Rights Movement by promoting such causes as Anti-Lynching Day at Ruppert Stadium, which is the home of the Eagles;

Whereas we congratulate Jose Mendez, a right-handed pitcher who—

(1) earned a winning percentage of just under .700 during his memorable career as a member of the Cuban Stars, All Nations, and Kansas City Monarchs; and

(2) managed the Kansas City Monarchs to successive pennants from 1923–1925, during which time he compiled a 20–4 pitching record with 7 saves;

Whereas we congratulate Alex Pompez, a successful team owner who—

(1) owned the Cuban Stars of the Eastern Colored League and then the New York Cubans of the Negro National League; and

(2) signed the first Puerto Rican, Dominican, Venezuelan, and Panamanian players of the circuit;

Whereas we congratulate ''Cum'' Posey, owner of the Homestead Grays, who—

(1) won the Negro National League pennant 8 times between 1937 and 1945; and

(2) assembled teams that were home to 11 of the 18 Negro Leaguers currently in the Hall of Fame;

Whereas we congratulate Louis Santop, a power-hitting catcher who—

(1) played for several of the greatest African American teams of the pre-Negro Leagues era, including the Philadelphia Giants, New York Lincoln Giants, and the Brooklyn Giants;

(2) hit over .320 while slugging tape-measure homeruns during his tremendous career in the Negro Leagues; and

(3) was rated by Rollo Wilson as the first string catcher on his all-time Black baseball team;

Whereas we congratulate Mule Suttles, a hard-hitting first baseman and outfielder who—

(1) played spectacularly for the St. Louis Stars, Chicago American Giants, Birmingham Black Barons, Newark Eagles, and other Negro League teams; and

(2) was 1 of the most powerful home run hitters in the Negro Leagues, ranking third all-time among Negro Leaguers in home runs and RBI;

Whereas we congratulate Ben Taylor, a pitcher who—

(1) transitioned into a top-ranked first baseman and clean-up hitter for the Indianapolis ABC's at the start of his career;

(2) served as an extremely successful player-manager from 1923-1929; and

(3) exclusively managed the Washington Potomacs, the Baltimore Black Sox, and the Atlantic City Bacharach Giants until 1940;

Whereas we congratulate Cristobal Torriente, a 5-tool outfielder who—

(1) played most of his games for the Cuban Stars and Chicago American Giants;

(2) earned an incredible lifetime batting average of over .330; and

(3) is 1 of the all-time offensive leaders in Negro Leagues history, ranking in the top 20 all-time in home runs, RBIs, and total bases;

Whereas we congratulate Sol White, a tremendously gifted baseball player who—

(1) played all infield positions during his 25-year baseball career;

(2) was a member of the best African American independent teams of the pre-Negro Leagues era, including the Philadelphia Giants, which he helped found in 1902 as playing manager;

(3) hit .359 in the White minor leagues during 5 seasons before the color line was established; and

(4) made a timeless contribution to baseball by authoring his book, ''Sol White's Official Base Ball Guide'', the first history of Black baseball before 1900;

Whereas we congratulate J.L. Wilkinson, an creative and innovative team owner who—

(1) owned the Kansas City Monarchs, the All Nations club, and 1 of the first professional women's teams in the United States;

(2) was a pioneer of night baseball and various ballpark promotions;

(3) was the only White owner of the Negro National League when it was chartered in 1920; and

(4) ran the longest running franchise in Negro National League history during which his teams won an unprecedented 17 pennants and 2 World Series;

Whereas we congratulate Jud Wilson, an intense first and third baseman who—

(1) ranks among the top 10 all-time in home runs, RBIs, hits, total bases, slugging average, and batting average in the Negro Leagues;

(2) holds a lifetime batting average over .340;

(3) earned from fans the nickname Boojum, after the sound that his line drives made when slamming off the fences; and

(4) played on pennant-winning teams as a member of the Baltimore Black Sox, Philadelphia Stars, and Homestead Grays;

Whereas those baseball legends will be inducted into the National Baseball Hall of Fame on July 30, 2006, in Cooperstown, New York, joining former Negro Leagues players Ernie Banks, Hank Aaron, Jackie Robinson, Larry Doby, Monte Irvin, Roy Campanella, ''Satchel'' Paige, Willie Mays, Bill Foster, ''Buck'' Leonard, ''Bullet'' Rogan, ''Cool Papa'' Bell, Hilton Smith, ''Smokey'' Joe Williams, Josh Gibson, ''Judy'' Johnson, Leon Day, Martin Dihigo, Oscar Charleston, ''Pop'' Lloyd, Ray Dandridge, ''Rube'' Foster, ''Turkey'' Stearnes, and Willie Wells, as members of the National Baseball Hall of Fame; and

Whereas we congratulate the Negro Leagues Baseball Museum in Kansas City, Missouri, the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues, founded in 1990 by Negro Leagues legend Buck O'Neil, Horace Peterson, former Kansas City Monarchs outfielder Al ''Slick'' Surratt, and other former Negro Leagues players, for the tireless efforts of the museum to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation had in the lives of the players and their fans: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson on being elected to the National Baseball Hall of Fame Class of 2006;

(2) commends the National Baseball Hall of Fame and the Negro Leagues Baseball Museum for their efforts to ensure that these legends of baseball receive the recognition due to players of their caliber; and

(3) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the National Baseball Hall of Fame; and

(B) the Negro Leagues Baseball Museum.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2898. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2898. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REDUCTION OF ENERGY PRICES.

(a) SHORT TITLE.—This section may be cited as the ''Energy Price Reduction Act of 2006''.

(b) FINDINGS.—Congress finds that—

(1) high energy prices place an artificial drag on the economy of the United States;

(2) high energy prices disproportionately hurt poor and fixed income families and individuals, such as the elderly;

(3) according to the most recent census, there are more than 3,600,000 elderly people in the United States;

(4) families and individuals in the United States should not be forced to choose between paying for home heating or cooling and food or medication;

(5) high energy prices make manufacturing in the United States less competitive;

(6) according to the American Chemistry Council, ''Because the current gas pressures are most intense in North America, U.S. exports are relatively more expensive on the world market.'';

(7) according to the American Gas Association, ''because of the extremely tight balance between current production and strong demand, U.S. homes and businesses pay more for natural gas than nearly anyone in the world,'' and ''[o]ne of the best ways to bring natural gas prices down for everyone is to enable producers to expand the areas where they can work, and move the natural gas via pipelines to consumers.''; and

(8) the increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the people of the United States.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BIOREFINERY.—The term ''biorefinery'' means a facility that produces a renewable fuel (as that term is defined in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(3) CURRENT.—The term ''current'' means, with respect to a resource management or forest plan for an energy project, a plan that has been amended or otherwise updated during the most recent 10-year period.

(4) ENERGY PROJECT.—The term ''energy project'' means a project involving the exploration, production, generation, transmission, or distribution of an energy resource.

(5) FEDERAL LAND.—The term ''Federal land'' means land owned or administered by the Secretary concerned.

(6) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(8) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(9) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term ''refinery'' includes—

(i) an expansion of a refinery; and

(ii) a biorefinery.

(10) REFINERY EXPANSION.—The term ''refinery expansion'' means a physical change in a refinery that results in an increase in the capacity of the refinery.

(11) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (f).

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(13) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(14) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(d) ENERGY RESOURCE DEVELOPMENT AND TRANSPORTATION ACTIVITIES ON FEDERAL LAND.—

(1) IN GENERAL.—An applicant for an energy project Application for Permit to Drill on Federal land, including an energy project right-of-way, shall submit to the Secretary concerned a complete application.

(2) DEADLINE FOR SECRETARIAL RESPONSE.—Notwithstanding any other procedural law, not later than 120 days from the date on which the Secretary receives an application under paragraph (1), the Secretary shall—

(A) approve the application; or

(B) provide the applicant with an explanation that identifies deficiencies in the application that preclude approval, including—

(i) inconsistency with an applicable resource or forest management plan;

(ii) inconsistency with the substantive requirements of applicable laws (including regulations) or the terms of applicable leases or rights-of-way; or

(iii) site-specific environmental impacts significant enough to require an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) SUBMISSION OF MODIFIED APPLICATION.—Not later than 60 days after the date of receipt of an application modified to satisfactorily address deficiencies identified in paragraph (2)(B), the Secretary shall approve or disapprove the application without additional analysis.

(4) REBUTTABLE PRESUMPTION.—A reviewing court shall accord a rebuttable presumption to the determination of the Secretary concerned that an energy project, as mitigated, does not have a significant environmental impact.

(5) JUDICIAL REVIEW.—Any challenge to a decision involving an oil and gas lease shall be brought within the time limitations described in section 42 of the Act of February 25, 1920 (30 U.S.C. 226–2), regardless of the grounds of the challenge.

(e) REDUCTION OF METHANE EMISSIONS.—

(1) METHANE REDUCTION PROJECTS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall solicit applications from eligible public entities, as determined by the Administrator, for grants under the Natural Gas STAR Program of the Environmental Protection Agency to pay the Federal share of the cost of projects relating to the reduction of methane emissions in the oil and gas industries.

(B) PROJECT INCLUSIONS.—To receive a grant under subparagraph (A), the application of the eligible entity shall include—

(i) an identification of 1 or more technologies used to achieve a reduction in the emission of methane; and

(ii) an analysis of the cost-effectiveness of a technology described in clause (i).

(C) LIMITATION.—A grant to an eligible entity under this paragraph shall not exceed $50,000.

(D) FEDERAL SHARE.—The Federal share of the cost of a project under this paragraph shall not exceed 50 percent.

(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for the period of fiscal years 2006 through 2010.

(2) EFFICIENCY PROMOTION WORKSHOPS.—

(A) IN GENERAL.—The Administrator, in conjunction with the Interstate Oil and Gas Compact Commission, shall conduct a series of technical workshops to provide information to officials in oil- and gas-producing States relating to methane emission reduction techniques.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for the period of fiscal years 2006 through 2010.

(f) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) INTERDISCIPLINARY APPROACH.—

(A) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of permits subject to this subsection.

(B) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(i) environmental management practices; and

(ii) third party contractors.

(5) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(6) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(7) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(8) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(9) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (5), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(10) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(11) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(13) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(g) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than October 1, 2006, an interim report on actions taken to carry out this subsection; and

(B) not later than December 1, 2007, a final report on actions taken to carry out this subsection.

(h) REPEAL.—The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended by striking section 1948 (Public Law 109–59; 119 Stat. 1514).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 1, 2006, at 4 p.m., in executive session to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 1, 2006, at 10 a.m., to conduct a hearing on '' consideration of regulatory relief proposals.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 1 at 9:30 a.m.

The purpose of this hearing is to receive testimony regarding the state of the economies and fiscal affairs in the territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold an oversight hearing on the status of the Yucca Mountain Project on Wednesday, March 1 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate on Wednesday, March 1, 2006 at 3 p.m. for a hearing on ''Fighting the AIDS Epidemic of Today: Reauthorizing the Ryan White CARE Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 1, 2006, at 9:30 a.m. for a hearing titled ''The Department of Homeland Security's Budget Submission for Fiscal Year 2007.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 1, 2006, at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a joint oversight hearing with the House Committee on Resources on the Settlement of Cobell v. Norton.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Wednesday, March 1, 2006 at 2 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable LARRY CRAIG, United States Senator, [R–ID]; The Honorable MIKE CRAPO, United States Senator, [R–ID].

Panel II: Norman Randy Smith to be the United States Circuit Judge for the Ninth Circuit; Patrick Joseph Schlitz to be United States District Judge for the District of Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS ENTREPRENEURSHIP

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''The Nomination of Eric Thorson to be Inspector General of the Small Business Administration'' on Wednesday, March 1, 2006, beginning at 2 p.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TALENT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 1, 2006, at 2:30 p.m., in open session to receive testimony on Army

transformation and the future combat systems acquisition strategy in review of the Defense authorization request for fiscal year 2007 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on March 1, 2006, at 2:30 p.m., on Winter Storms.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development be authorized to meet during the session of the Senate on Wednesday, March 1, 2006, at 10 a.m., for a hearing on ''Protecting America's Competitive Edge Act (S. 2198): Helping K–12 Students Learn Math and Science Better.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on March 1, 2006, at 9:30 a.m., in open session to receive testimony on Active component, Reserve component, and civilian personnel programs in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, March 1 at 2:30 p.m. The purpose of the hearing is to review the roll of the Forest Service and other Federal agencies in protection the Health and Welfare of foreign guest workers carrying out tree planting and other service contracts on National Forest System Lands, and to consider related Forest Service guidance and contract modifications issued in recent weeks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security and the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a joint hearing on ''Federal Strategies to End Border Violence'' on Wednesday, March 1, 2006 at 9 a.m. in Dirksen 226.

Panel I: The Honorable Paul K. Charlton, United States Attorney, District of Arizona, Phoenix, AZ; David Aguilar, Chief of Border Patrol, Customs and Border Protection, Department of Homeland Security, Washington, DC; and Marcy Forman, Director of Investigations, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC.

Panel II: The Honorable Larry A. Dever, Sheriff of Cochise County, AZ; The Honorable Wayne Jernigan, Sheriff of Valverde County, TX; Lavogyer Durham, Manager of El Tule Ranch, Falfurrias, TX; and T.J. Bonner, President of the National Border Patrol Council, American Federation of Government Employees, AFL–CIO, Campo, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE PRE-NEGRO AND NEGRO LEAGUES PLAYERS AND EXECUTIVES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 386, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 386) honoring the Pre-Negro Leagues and Negro Leagues baseball players and executives elected to the National Baseball Hall of Fame Class of 2006.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TALENT. Mr. President, I would like to take a few minutes to talk about a historic event that occurred on Monday. The National Baseball Hall of Fame in Cooperstown elected 17 pre-Negro Leagues and Negro Leagues baseball players and executives to the National Baseball Hall of Fame Class of 2006.

Many of baseball's most noted stars of the past century got their beginnings in the Negro Leagues. Greats such as Hank Aaron, Ernie Banks, Roy Campanella, Larry Doby, Willie Mays, Satchel Paige, and, of course, Jackie Robinson brought their fast-paced and highly competitive brand of Negro Leagues baseball eventually to the Major Leagues. In fact, there are a lot of people who think that much of the fast-paced style of baseball today is owing to the influence of the Negro League's brand of baseball.

Before these greats of the game were given the opportunity to showcase their skills at the Major League level, many African-American ballplayers with equal skill were never allowed to share the same field as their White counterparts. Instead, such players played from the 1920s to the 1960s in over 30 communities located throughout the United States on teams in one of six Negro Baseball Leagues, including Kansas City and St. Louis in my home State of Missouri.

The history of this is interesting. In the late 1800s and early 1900s, African Americans began to play on military baseball teams, college teams, company teams. The teams were integrated in those days. Many African Americans eventually found their way onto professional teams with White players. But racism and Jim Crow laws drove the African-American players from their integrated teams in the early 1900s, forcing them to form their own ''barnstorming'' teams which would travel around the country playing anyone willing to challenge them.

But then, in 1920, the Negro National League, which was the first of the Negro Baseball Leagues, was formed under the guidance of Andrew ''Rube'' Foster—a former player, manager, and owner of the Chicago American Giants—and was formed at a meeting held at the Paseo YMCA in Kansas City, MO. Soon after the Negro National League was formed, rival leagues formed in Eastern and Southern States and brought the thrills and the innovative play of the Negro Leagues to major urban centers and rural countrysides throughout the United States, Canada, and Latin America.

For more than 40 years, the Negro Leagues maintained a high level of professional skill and became centerpieces for economic development in their communities. The Negro Leagues constituted the third biggest Black owned and run business in the country in those days. They brought jobs and economic activity to many of the cities around the United States. They played in front of crowds of 10,000 20,000 30,000 40,000, and 50,000 people. And those crowds were integrated. White and Black fans came to watch the Negro Leagues, and they sat together.

In 1945, Major League Baseball's Brooklyn Dodgers recruited Jackie Robinson from the Kansas City Monarchs, which, of course, made Jackie the first African American in the modern era to play on a Major League roster. That historic event led to the integration of the Major Leagues and ironically prompted the decline of the Negro Leagues because, of course, Major League teams began to recruit and sign the best African-American ballplayers.

On Monday of this week, the National Baseball Hall of Fame took a first step in righting a historic wrong when it recognized the distinguished careers of 17 pre-Negro League ballplayers and executives, people who were never given the opportunity to compete in Major League Baseball with their White counterparts. Oh, they often played them, and very often, in barnstorming games or exhibition-type matches, the Negro League players and teams would play the best players of the Major Leagues, and those must have been great baseball games to see.

But the Hall of Fame elected those 17 players and executives to the National Baseball Hall of Fame Class of 2006. The players elected on Monday were Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley—the first woman

elected to the Baseball Hall of Fame, and more on that in just a minute—Joe Mandez, Alex Popez Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilkinson. These legends, not just of the Negro Leagues but of our national pastime, will now join the less than 1 percent of all professional baseball players who have been honored with induction into the National Baseball Hall of Fame, and they will be inducted on July 30, 2006.

One of the more historic moments of Monday's selection was the selection of Effa Manley, who was the co-owner of the Newark Eagles. She became the first woman ever elected to the Hall of Fame. In addition to her efforts in baseball, she played an active role in the civil rights movement and promoted such causes as Anti-Lynching Day at Ruppert Stadium, which was the home of the Newark Eagles.

Among those elected, several have ties to my home State of Missouri, and it will surprise no one in the Senate that I decided to feature them in my remarks.

Willard Brown was an outfielder with the Kansas City Monarchs who often led the Negro American League in home runs and batting average. He was considered by many to be the Negro American League's version of the great Josh Gibson.

Andy Cooper was a pitcher with the Detroit Stars and Kansas City Monarchs who had a knack for changing the speed of his pitches. He is among the top ten leaders in career wins, strikeouts, shutouts, and winning percentage in Negro Leagues history. Later in his career he became the manager of the Kansas City Monarchs, leading them to three pennants.

Jose Mendez was a right handed pitcher for the Cuban Stars, All Nations, and Kansas City Monarchs who had a career winning percentage just under .700 in the Negro National League. He managed the Kansas City Monarchs to successive pennants from 1923–1925.

Mule Suttles was a first baseman and outfielder for the St. Louis Stars, Chicago American Giants, Birmingham Black Barons and the Newark Eagles. He was one of the most powerful home run hitters in the Negro Leagues, ranking third all-time among Negro Leaguers in home runs and RBIs.

Cristobal Torriente was a five-tool outfielder with a lifetime batting average over .330 primarily with the Cuban Stars and Chicago American Giants. For those who don't know what a five-tool outfielder is it means he could hit for average, hit for power, run with speed, field with above average skill and display enough arm strength to throw out the fastest players at home plate. He is one of the all-time offensive leaders in Negro Leagues history, ranking in the top 20 all-time in home runs, RBIs and total bases. The record books would have been different had these players been allowed to play in Major League baseball.

J.L. Wilkinson was the owner of the Kansas City Monarchs, the All Nations club and one of the first professional women's teams in the United States. He was a pioneer of night baseball, various ballpark promotions, and was the Negro National League's only white owner when it was chartered in 1920. His Kansas City Monarchs were the longest running franchise in Negro National League history and they won an unprecedented 17 pennants, and two World Series.

I congratulate all 17 players and executives elected this week, as well as their families and friends. This is an honor long overdue and is sure to lead to a great celebration this summer in Cooperstown. It will be a dramatic moment when these figures are inducted in the Hall of Fame. However, it saddens me that this summer's historic induction ceremony did not take place during the lifetime of these baseball greats. I can only wish that they were still alive today to witness baseball's long overdue recognition of their contributions on and off the field.

There is another aspect of this selection process which is disappointing and bittersweet for many of us because one of the legends of Negro Leagues did not receive the necessary votes to be elected to the Hall of Fame. That legend is John Jordan ''Buck'' O'Neil. Buck's illustrious baseball career spans seven decades and has made him a foremost authority of the game and one of its greatest ambassadors. Buck is in his 90s now, and still active, still a leader in baseball and a leader in remembering the Negro Leagues and establishing the Negro League's Baseball museum.

I would like to tell you a little about Buck O'Neil the man and Buck O'Neil the player. I had intended to introduce this Resolution earlier this week, but was so disappointed by the exclusion of Buck from those selected that I began to have second thoughts about the process for selecting this class of inductees. I had a conversation with Buck yesterday and he told me that going forward with this Resolution was important not only to recognize this historic event—I mean important in a practical way to the Negro League's baseball museum and the remberance of the Negro Leagues, and to recognize the achievement of these 17 players and executives—but because it was the right thing to do. Buck O'Neil has always been about doing the right thing. No matter what door has been slammed in his face he always picks himself up and does what is right and what is most important to him. In this case what is most important to him is his true love for the Negro Leagues, the Negro Leagues players and the Negro Leagues Baseball Museum, which he helped to found and which he has been so active in promoting in Kansas City.

In yesterday's Kansas City Star, columnist Joe Posnanski had this to say about the injustice that occurred to Buck O'Neil on Monday:

All his life, Buck O'Neil has had doors slammed in his face. He played baseball when the major leagues did not allow black players. He was a gifted manager at a time when major league owners would not even think of having an African American lead their teams. For more than 30 years, he told stories about Negro Leagues players and nobody wanted to listen. Now, after everything, he was being told that the life he had spent in baseball was not worthy of the Hall of Fame. It was enough to make those around him cry. But Buck laughed. ''I'm still Buck,'' he said. ''Look at me. I've lived a good life. I'm still living a good life. Nothing has changed for me.''

I ask unanimous consent to have a copy of Mr. Posnanski's article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TALENT. I thought I would take a few moments of the Senate's time to talk a little bit about Buck's record. I think the Senate would agree with me it would have fully justified his induction.

Buck O'Neil the player was a first baseman and Manager for the Kansas City Monarchs from 1937 through 1955. Buck's achievements as a player include leading his team to a Negro American league title and a date with the Homestead Grays in the 1942 Negro World Series. In the series Buck hit .353 and led the Monarchs to a four game sweep of the powerhouse Homestead Grays. Buck sport a career batting average of .288, including four .300-plus seasons. He won batting titles in 1940 and 1946, hitting .345 and .353 respectively. He was named to the East-West All-Star Classic in 1942, 1943 and 1949 and barnstormed with the Satchel Paige All-Stars during the 1930s and 1940s playing countless games against the likes of the Bob Feller All-Stars. I would have given a lot to have seen one of those games.

In 1948, Buck succeeded Frank Duncan, as manager of the Monarchs, and continued to manage them until 1955. As the manager of the Monarchs, he sent more Negro league veterans to the Majors than any other manager in baseball history including Ernie Banks, Elston Howard, Connie Johnson, Satchel Paige and Sweet Lou Johnson. He lead the Monarchs to league titles in 1948, 1950, 1951 and 1953 and managed the West squad in the East-West All-Star game in 1950, 1952, 1954 and 1955. By the way, the West won all four of these contests.

In 1956, Buck was hired by the Chicago Cubs as a scout. Six years later he became the first African American to coach in the Major Leagues with the Cubs. As a scout he discovered such superstars as Lou Brock, one of my all-time favorite Cardinals, and Joe Carter. Lou called him on Monday by the way, expecting Buck would have been inducted, while everybody was waiting to see the results of the vote. In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

Today Buck serves as chairman of the Negro Leagues Baseball Museum he helped found in 1990. The work of Buck O'Neil and the Negro Leagues Baseball Museum led the Hall of Fame to hold this special election of Negro Leagues and Pre-Negro Leagues players.

In fact, his work after he had retired from the game as a coach may be even more significant to the history of baseball than his exploits as a player and a manager. Nobody has done more to build that museum and to call the rest of us to remember the significance of the Negro baseball league.

It was significant on so many different levels: A triumph of the human spirit, tremendous sportsmanship, tremendously high quality of play, vitally important to the Black community of the time, and it led directly to the integration of the Major Leagues, which was the first in a series of mjor civil rights landmarks in the modern era that has led to the progress we have achieved today.

I believe there is no one who meets the criteria for induction into the National Baseball Hall of Fame more than Buck. The combination of his statistics on the field as a player, his years as a scout discovering some of the best players of their generation, his years as a manager and coach, including breaking the color barrier as the first African-American coach in the Major Leagues, and his years of tireless advocacy on behalf of the Negro Leagues and its players equals a résumé built for election to Cooperstown. I hope that the Baseball Hall of Fame will take appropriate action to correct this oversight.

Finally, I would like to congratulate everyone at the Negro Leagues Baseball Museum in Kansas City, who worked so very hard for so many years to make this special election a reality. Their tireless advocacy on behalf of these baseball legends is another reason why the Senate should pass legislation that would give a national designation to the Negro Leagues Baseball Museum, the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues.

I highly recommend a visit to the Negro Leagues Baseball Museum for anybody who is in Kansas City. Whether you are a baseball fan or not, you will be moved by what you see there. You will be encouraged and inspired in every way by seeing how those players confronted the injustices of their times, and with great spirit and energy and joy even overcame those obstacles.

In closing, I want to thank my friend and colleague from Illinois, Senator DURBIN, for his assistance and his support of both the resolution which we introduced today in honor of those athletes who were elected on Monday and also S. Con. Res. 60, which is the national designation resolution. I hope the Senate will swiftly pass our resolution to honor these future Hall of Famers—I guess they are Hall of Famers designees now—for their contributions on the field and for their courage, sacrifice and triumph in the face of segregation.

EXHIBIT 1

INJUSTICE, AND THEN A GUTLESS COMMITTEE CLAMS UP

(By Joe Posnanski)

The living voice of the Negro Leagues did not even blink when the door was slammed in his face one more time. Buck O'Neil just nodded and smiled a little when he was told that he did not get enough votes to be elected into the Baseball Hall of Fame.

''All right,'' he said. ''That's the way the cookie crumbles.''

That's the way baseball crumbles. Monday, an 11-member committee of academics and authors (a 12th member, author Robert Peterson, died two weeks ago) gathered in a room in Tampa and voted 17 deceased Negro Leagues players and executives into the Hall of Fame. Seventeen. To give you an idea of how overwhelming that number is . . . only 18 Negro Leaguers are actually in the National Baseball Hall of Fame. It took 30 years of work—most of that Buck O'Neil's hard work—to get those 18 players inducted.

But even while doubling the Negro Leagues' Hall of Fame population, the committee could not muster the necessary nine votes for Buck O'Neil, who is 94 and has done more in his life for Negro Leagues baseball than anyone else. One committee member said O'Neil likely fell one vote short. The balloting was secret.

When the voting was finished, no one had the guts to explain why Buck O'Neil was kept out. He was an All-Star player in the Negro Leagues. He was a successful manager for the Kansas City Monarchs. He sent more Negro Leagues players to the major leagues than anyone. He was the first black coach in the major leagues. For the past 50 years, he has been—as author Jules Tygiel calls him in Shades of Glory, the Negro Leagues book commissioned by the Hall of Fame—''the primary spokesperson for the legacy of the Negro Leagues.''

In fact, two sources said months ago that the Hall of Fame would have a special Negro Leagues vote with the intention of getting Buck O'Neil in. One hall official said, ''I don't think the Hall of Fame is complete without him.''

Thus, for the first time ever, the hall handed over the voting to a panel of baseball historians and scholars with no affiliation to the major leagues or the hall. This was an extraordinary move for the Hall of Fame. They usually protect the hall the way tigers protect their cubs. There was not one former player on the committee and not one person who actually observed the Negro Leagues. The committee was given no boundaries—they were told to vote for as many people as they saw fit.

They certainly voted free. By dumping 17 persons into the Hall of Fame, they matched the number of persons inducted into the hall the past seven years. But when it came to why Buck was left out, no one was talking.

''I don't think the individuals are going to be willing to discuss their individual votes,'' said Fay Vincent, who served as a nonvoting chairman of the committee. ''We agreed we would not do that.''

In other words, they decided to hide. After this travesty, you could not blame them. On Monday, when it appeared that O'Neil was short the votes he needed, Vincent apparently made a frantic plea to the committee to consider O'Neil's lifetime achievements and not just his playing days. According to the committee member, he sounded almost desperate.

His words held no sway with this committee. They left him out without a word of explanation. They did, however, vote in Andy Cooper, who was (see if this sounds familiar) a fine player and manager for the Kansas City Monarchs. He died in 1941. The book Shades of Glory is 422 pages long, including acknowledgements. Cooper is mentioned exactly zero times.

The committee also voted in Effa Manley, the first woman inductee into the Baseball Hall of Fame. Her credentials? She co-owned the Newark Eagles with her husband, Abe, for 14 seasons. The team won one championship. Also, she was outspoken. Also, her biographer, Jim Overmyer, was on the committee.

And so on. The injustice of Monday's vote left a trail of disbelief and anger throughout the baseball community, but especially in Kansas City. It had no visible effect on Buck O'Neil, though. He began his Monday morning with a 5:30 a.m. call from a radio show. He came to the Negro Leagues Baseball Museum at 10 a.m. and by then he had received more than a dozen congratulatory calls.

Everyone seemed sure he was going to get voted in.

Buck himself was not so sure. ''I've been on committees like this,'' he said. ''I know that anything can happen.'' Still, he spent much of Monday morning calling friends in his hometown of Sarasota, Fla., telling them that he would visit if the vote went his way. A camera crew filmed his every move. A half-dozen reporters followed him around.

O'Neil had been told he would hear something by 11 a.m., but the phone would not ring. Rumors swirled that things were not going well in Tampa, but no one wanted to believe it. While Buck O'Neil waited, Hall of Fame player Lou Brock—whom O'Neil had scouted and signed—called and said he was excited. Soon it was 11:30 and then noon, and the call from the hall had not come.

''You know something?'' Buck said all of a sudden. ''I could play. I was no Josh Gibson. But I could play.'' It was his only sign of cracking. One of the few criticisms of O'Neil's Hall of Fame case leading into the vote had been that, while he was a good player, he was not a Hall of Fame-caliber player. The criticism did not take in account his countless other contributions to baseball, but you could see that Buck was hurting a little.

At 12:30, there was no word, and a pall had fallen over the museum. Buck seemed to sense that the vote was going against him. He said, ''I'll be fine either way.''

At 12:34, Bob Kendrick, the marketing director of the Negro Leagues Museum, asked everyone to leave the room, and he said, ''Buck, we didn't get enough votes.''

All his life, Buck O'Neil has had doors slammed in his face. He played baseball at a time when the major leagues did not allow black players. He was a gifted manager at a time when major league owners would not even think of having an African-American lead their teams. For more than 30 years, he told stories about Negro Leagues players and nobody wanted to listen.

Now, after everything, he was being told that the life he had spent in baseball was not worthy of the Hall of Fame. It was enough to make those around him cry. But Buck laughed. ''I'm still Buck,'' he said. ''Look at me. I've lived a good life. I'm still living a good life. Nothing has changed for me.''

A few minutes later, when he was told that 17 persons had made it, he shouted: ''Wonderful.''

That's Buck O'Neil. Who else would respond that way to such a shameful vote? No one. I don't know what the July day will be like when 17 persons long dead—10 of the 17 have been gone for more than 50 years—get

inducted into the Hall of Fame. It's hard to believe it will be much of a celebration. Who will speak for the dead?

''I don't know,'' Buck O'Neil said. ''I wonder if they'll ask me to speak.''

Would he really speak at the Hall of Fame after he wasn't voted in?

''Of course,'' Buck said. ''If they asked me.''

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 386) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

Whereas African Americans began to play baseball in the late 1800s on military teams, college teams, and company teams, and eventually found their way onto professional teams with White players;

Whereas the racism and ''Jim Crow'' laws that forced African American players from their integrated teams by 1900 compelled those dedicated players to form their own ''barnstorming'' teams that traveled throughout the United States and offered to play any team willing to challenge them;

Whereas, in 1920, the Negro National League was created under the guidance of Andrew ''Rube'' Foster, a former player, manager, and owner of the Chicago American Giants, at a meeting held at the Paseo YMCA in Kansas City, Missouri;

Whereas soon after the Negro National League was formed, rival leagues were assembled in eastern and southern States, bringing the thrills and innovative play of African American ballplayers to major urban centers and rural countrysides throughout the United States, Canada, and Latin America;

Whereas, from the 1920s to the 1960s, over 30 communities located throughout the United States were home to teams in 1 of the 6 Negro Leagues;

Whereas the Negro Leagues maintained a high level of professional skill and became centerpieces for economic development in their communities;

Whereas, in 1945, the Brooklyn Dodgers of Major League Baseball recruited Jackie Robinson from the Kansas City Monarchs, making Robinson the first African American in the modern era to play on a Major League Baseball roster;

Whereas the integration of Major League Baseball, which soon followed the signing of Jackie Robinson, prompted the decline of the Negro Leagues because the Major Leagues began to recruit and sign the best African American ballplayers;

Whereas it has been recognized by numerous baseball authorities that many of the greatest players ever to play the game of baseball played in the Negro Leagues, rather than Major League Baseball;

Whereas, on February 27, 2006, the National Baseball Hall of Fame announced that Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson had been elected to the National Baseball Hall of Fame Class of 2006;

Whereas less than 1 percent of all professional baseball players have been honored with induction into the National Baseball Hall of Fame;

Whereas we congratulate Ray Brown, an ace starter for the Homestead Grays who—

(1) ranks among the top Negro Leagues pitchers in total wins and winning percentage; and

(2) pitched a perfect game in 1945 as well as a one-hitter in the 1944 Negro World Series;

Whereas we congratulate Willard Brown, an outfielder with the Kansas City Monarchs who—

(1) lead the Negro American League in home runs and batting average during numerous seasons; and

(2) was considered by many to be the Negro American League version of Josh Gibson;

Whereas we congratulate Andy Cooper, a pitcher with the Detroit Stars and Kansas City Monarchs who—

(1) had a knack for changing the speed of his pitches;

(2) was the all-time leader in every Detroit Stars pitching category;

(3) was among the top 10 leaders in career wins, strikeouts, shutouts, and winning percentage in Negro Leagues history; and

(4) later in his career became the manager of the Kansas City Monarchs and lead them to 3 pennants;

Whereas we congratulate Frank Grant, a second baseman with tremendous range and a strong arm who—

(1) hit over .300 in 4 seasons with White minor league teams until the color lines forced him out of the league in 1886;

(2) played for top-rated African American teams until 1903; and

(3) who displayed a unique blend of speed and power in the International League that allowed him to turn 1 out of every 4 base hits into extra bases;

Whereas we congratulate Pete Hill, a premier outfielder who—

(1) played brilliantly for the Cuban X-Giants, Philadelphia Giants, Chicago Leland Giants, and the Chicago American Giants before the formation of the Negro Leagues;

(2) during his 1911 season as an American Giant, hit safely in 115 out of 116 games; and

(3) was rated the fourth best outfielder in the renowned 1952 Pittsburgh Courier player-voted poll of the best players of the Negro Leagues;

Whereas we congratulate Biz Mackey, a strong-armed catcher who—

(1) ended his career with a lifetime batting average well over .300;

(2) ranked among the top Negro Leaguers in lifetime total bases, RBIs, and slugging percentage; and

(3) later managed the Baltimore Elite Giants and the Newark Eagles who, under his skill and leadership, won the Negro World Series in 1946;

Whereas we congratulate Effa Manley, the co-owner of the Newark Eagles, who—

(1) has become the first women elected to the National Baseball Hall of Fame; and

(2) in addition to her efforts in baseball, played an active role in the Civil Rights Movement by promoting such causes as Anti-Lynching Day at Ruppert Stadium, which is the home of the Eagles;

Whereas we congratulate Jose Mendez, a right-handed pitcher who—

(1) earned a winning percentage of just under .700 during his memorable career as a member of the Cuban Stars, All Nations, and Kansas City Monarchs; and

(2) managed the Kansas City Monarchs to successive pennants from 1923–1925, during which time he compiled a 20–4 pitching record with 7 saves;

Whereas we congratulate Alex Pompez, a successful team owner who—

(1) owned the Cuban Stars of the Eastern Colored League and then the New York Cubans of the Negro National League; and

(2) signed the first Puerto Rican, Dominican, Venezuelan, and Panamanian players of the circuit;

Whereas we congratulate ''Cum'' Posey, owner of the Homestead Grays, who—

(1) won the Negro National League pennant 8 times between 1937 and 1945; and

(2) assembled teams that were home to 11 of the 18 Negro Leaguers currently in the Hall of Fame;

Whereas we congratulate Louis Santop, a power-hitting catcher who—

(1) played for several of the greatest African American teams of the pre-Negro Leagues era, including the Philadelphia Giants, New York Lincoln Giants, and the Brooklyn Giants;

(2) hit over .320 while slugging tape-measure homeruns during his tremendous career in the Negro Leagues; and

(3) was rated by Rollo Wilson as the first string catcher on his all-time Black baseball team;

Whereas we congratulate Mule Suttles, a hard-hitting first baseman and outfielder who—

(1) played spectacularly for the St. Louis Stars, Chicago American Giants, Birmingham Black Barons, Newark Eagles, and other Negro League teams; and

(2) was 1 of the most powerful home run hitters in the Negro Leagues, ranking third all-time among Negro Leaguers in home runs and RBI;

Whereas we congratulate Ben Taylor, a pitcher who—

(1) transitioned into a top-ranked first baseman and clean-up hitter for the Indianapolis ABC's at the start of his career;

(2) served as an extremely successful player-manager from 1923-1929; and

(3) exclusively managed the Washington Potomacs, the Baltimore Black Sox, and the Atlantic City Bacharach Giants until 1940;

Whereas we congratulate Cristobal Torriente, a 5-tool outfielder who—

(1) played most of his games for the Cuban Stars and Chicago American Giants;

(2) earned an incredible lifetime batting average of over .330; and

(3) is 1 of the all-time offensive leaders in Negro Leagues history, ranking in the top 20 all-time in home runs, RBIs, and total bases;

Whereas we congratulate Sol White, a tremendously gifted baseball player who—

(1) played all infield positions during his 25-year baseball career;

(2) was a member of the best African American independent teams of the pre-Negro Leagues era, including the Philadelphia Giants, which he helped found in 1902 as playing manager;

(3) hit .359 in the White minor leagues during 5 seasons before the color line was established; and

(4) made a timeless contribution to baseball by authoring his book, ''Sol White's Official Base Ball Guide'', the first history of Black baseball before 1900;

Whereas we congratulate J.L. Wilkinson, an creative and innovative team owner who—

(1) owned the Kansas City Monarchs, the All Nations club, and 1 of the first professional women's teams in the United States;

(2) was a pioneer of night baseball and various ballpark promotions;

(3) was the only White owner of the Negro National League when it was chartered in 1920; and

(4) ran the longest running franchise in Negro National League history during which his teams won an unprecedented 17 pennants and 2 World Series;

Whereas we congratulate Jud Wilson, an intense first and third baseman who—

(1) ranks among the top 10 all-time in home runs, RBIs, hits, total bases, slugging average, and batting average in the Negro Leagues;

(2) holds a lifetime batting average over .340;

(3) earned from fans the nickname Boojum, after the sound that his line drives made when slamming off the fences; and

(4) played on pennant-winning teams as a member of the Baltimore Black Sox, Philadelphia Stars, and Homestead Grays;

Whereas those baseball legends will be inducted into the National Baseball Hall of Fame on July 30, 2006, in Cooperstown, New York, joining former Negro Leagues players Ernie Banks, Hank Aaron, Jackie Robinson, Larry Doby, Monte Irvin, Roy Campanella, ''Satchel'' Paige, Willie Mays, Bill Foster, ''Buck'' Leonard, ''Bullet'' Rogan, ''Cool Papa'' Bell, Hilton Smith, ''Smokey'' Joe Williams, Josh Gibson, ''Judy'' Johnson, Leon Day, Martin Dihigo, Oscar Charleston, ''Pop'' Lloyd, Ray Dandridge, ''Rube'' Foster, ''Turkey'' Stearnes, and Willie Wells, as members of the National Baseball Hall of Fame; and

Whereas we congratulate the Negro Leagues Baseball Museum in Kansas City, Missouri, the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues, founded in 1990 by Negro Leagues legend Buck O'Neil, Horace Peterson, former Kansas City Monarchs outfielder Al ''Slick'' Surratt, and other former Negro Leagues players, for the tireless efforts of the museum to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation had in the lives of the players and their fans: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson on being elected to the National Baseball Hall of Fame Class of 2006;

(2) commends the National Baseball Hall of Fame and the Negro Leagues Baseball Museum for their efforts to ensure that these legends of baseball receive the recognition due to players of their caliber; and

(3) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the National Baseball Hall of Fame; and

(B) the Negro Leagues Baseball Museum.

ORDERS FOR THURSDAY, MARCH 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 2. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, the final 15 minutes under the control of the majority leader or his designee, and the Senate then resume consideration of the conference report to accompany H.R. 3199, the PATRIOT Act; I further ask that the debate until the final passage vote be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today the Senate passed the PATRIOT Act amendments bill, and we are now considering the PATRIOT Act conference report. Early today, by a vote of 84 to 15, the Senate overwhelmingly invoked cloture on the conference report. Under an agreement just reached, we will be voting on the PATRIOT Act conference report tomorrow at 3 p.m. Following that vote, we will have a cloture vote with respect to the LIHEAP bill. The remaining schedule for tomorrow will depend on the outcome of that vote, and we will alert Members of the schedule following that cloture vote.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DURBIN for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, I wish to indicate that I am pleased we could work out a time for the vote tomorrow. I want to be very clear that not only have I not given up any of my rights under the bill, as I understand it, given the rules postcloture, I actually have more time for debate than I otherwise would have to oppose this unwise legislation. In terms of convenience for Members, I am pleased about that. It will be important to continue the debate tomorrow prior to 3 o'clock. I thank the leaders for the ability to achieve that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, pursuant to the unanimous consent request, I wish to speak to a resolution which was just passed, but prior to that time, I would like to commend my colleague from the State of Wisconsin for his dogged determination to have the Senate actually consider an amendment—a substantive amendment—to the PATRIOT Act. He has been more than cooperative in suggesting he would limit the time of that debate to 15 minutes, but he has been stopped every time he has come to the floor and made that request by the majority.

I may disagree with the Senator from Wisconsin, but I am going to stand here and fight for as long as I can that he have this opportunity. Why is the Senate afraid of debate? Why is the Senate afraid of deliberation? What is so frightening about having two Senators present a point of view and then have the Senate vote? It almost sounds like the reason the Senate was created, but the Senator from Wisconsin has been waiting, trying his best to get 15 minutes, day after day, as the majority refuses to give it to him.

As I have said repeatedly, I think there is merit to this PATRIOT Act, as amended with Senator SUNUNU's efforts and the efforts of many, including myself, but I am going to defend the right of the Senator from Wisconsin to come to the floor any time he wants, as a Senator representing his State and as a coequal Member of this Chamber, and offer an amendment. The majority should not be so frightened of debate, not so frightened of a vote that they would deny the Senator this opportunity.

HONORING THE LEGENDARY STARS OF THE NEGRO LEAGUES AND PRE-NEGRO LEAGUES BASEBALL

Mr. DURBIN. Mr. President, in the last few moments, we adopted a resolution which is historic in nature. It relates to the Negro Leagues and pre-Negro Leagues baseball in America. Anyone who loves baseball as I do and followed the great documentary prepared by Ken Burns on the history of baseball must have been struck by how much the history of baseball is associated with the resolution of the issue of race in America.

For too long, baseball, similar to much of America, was segregated. Now that it has become an integrated sport, we have seen some tremendous athletes—Black Americans, Hispanic Americans, White Americans, those from other countries—coming together to make it a more exciting sport than it has ever been.

I think we realize now what was lost for so many decades, while those who labored in Black baseball, the Negro Leagues, were relegated to second-class status despite the fact their talents were as good or sometimes better than those who played on all White baseball teams.

Jerry Izenberg, a sports writer for the Newark Star Ledger, wrote of the stars of Negro Leagues Baseball:

> They took America's game and weaved a kind of magic with it that most of America never bothered to see—not for lack of talent and surely not because of the way they played it—with a fire in the belly and joy in the skills that motivated them.
>
> America loved baseball, but segregation turned America blind. The psyche of the White men who owned Major League Baseball and most of those who played the game couldn't get past the matter of skin color.

One of the greatest players ever, the legendary Satchel Paige, spent most of his career in the Negro Leagues. In his Hall of Fame induction speech in 1971 he said:

> Oh, we had men by the hundreds who could have made the big leagues, by the hundreds, not by the fours, twos or threes.

'' . . . Ain't no maybe so about it,'' Satchel Paige said.

I did have the honor to meet him one day. He was in Springfield watching a baseball game. I still remember it. He was seated next to Minnie Minoso, whom I will refer to a little later in these remarks.

Most of those players never got that chance. But now, 17 more players and 5 executives from the Negro Leagues and pre-Negro Leagues baseball are getting some long overdue recognition.

This week, a special commission appointed by Major League Baseball acted to heal another of segregation's scars by voting to induct the 17 into the Baseball Hall of Fame.

I am pleased to join baseball fans around the world in congratulating these new Hall of Famers:

Negro Leagues baseball players Ray Brown, Willard Brown, Andy Cooper, Biz Mackey, Mule Suttles, Cristobal Torriente, and Jud Wilson;

Pre-Negro Leagues players Frank Grant, Pete Hill, Jose Mendez, Louis Santop, and Ben Taylor;

Negro Leagues club owners Alex Pompez, Cum Posey, and J.L. Wilkinson;

And pre-Negro Leagues team owner and baseball writer Sol White.

Also among the new Hall of Famers is Effa Manley, co-owner with her husband of the Newark Eagles and the first woman to join the Hall of Fame. Effa Manly was White, but she married a Black man and chose to pass herself off as Black. She was active in the civil rights movement and promoted Anti-Lynching Day at Eagles games in the 1940s.

Similar to many, I am surprised—I am really disappointed—that two names were not on the list I just read. Of the 39 Negro Leagues and pre-Negro Leagues stars considered for inclusion in the Hall of Fame this week, only two are still living: Mini Minoso and Buck O'Neil. I can't explain why neither one was selected.

No matter how the committee voted, Minnie Minoso and Buck O'Neil will always be Hall of Famers to baseball fans in Chicago and around the world. Let me tell you about them.

Saturnino Orestes Armas ''Minnie'' Minoso is one of the most popular players in Chicago White Sox history—a seven-time All-Star and three-time Golden Glove winner.

He was nicknamed ''the Cuban comet,'' the first Black Latino in the major leagues starting in 1949 with the Cleveland Indians. Two years later, he became the first White Sox to break the color line.

He hit a home run in his first at-bat with the White Sox and went on to be named American League Rookie of the Year in 1951, leading the league in stolen bases and triples. Over his career, he led the league in being hit by pitches 10 different times—an indication, I am afraid, of how difficult it was to break the racial lines.

In the words of Orlando Cepeda, who once played for the St. Louis Baseball Cardinals:

> Minnie Minoso is to Latin ballplayers what Jackie Robinson is to Black ballplayers.

He paved the way for generations of Latin superstars, from Roberto Clemente to Juan Marichal to Sammy Sosa.

In 1983, the White Sox retired Minnie Minoso's No. 9 uniform, and in 2004, he was honored with a life-sized sculpture at U.S. Cellular Field, home of the world champion Chicago White Sox. At the unveiling ceremony, he said:

> If God takes me tomorrow, I'm happy because my statue is here. How many people in the Hall of Fame have statues in the ball parks?

John ''Buck'' O'Neil should be a familiar name to those who remember the Ken Burns documentary. Buck O'Neil was the Black baseball player they went to time and time again to talk about life in the Negro Leagues. He was the unofficial ambassador for Negro Leagues baseball in the Ken Burns documentaries.

He was a standout first baseman and successful manager for the Kansas City Monarchs from 1937 to 1955. Years later, as a scout for the Chicago Cubs, Buck O'Neil signed future Hall of Famers Ernie Banks and Lou Brock to their first major league contracts.

Think about that. Buck O'Neil from the Negro Leagues signed Ernie Banks, Mr. Cub, to the Chicago Cubs. My message to the Tribune publishing company, which owns the Chicago Cubs, is: Can you think of a better batter to throw out a pitch for a game in Wrigley Field than Buck O'Neil, the only surviving baseball player from the Negro Leagues, and his man that he scouted for that team, Ernie Banks? It just doesn't get any better.

With the Cubs, Buck O'Neil also became the first African-American coach in the Major Leagues. At age 94, he is the driving force in preserving Negro League history—94 years old. He is the cofounder and chairman of the Negro Leagues Baseball Museum in Kansas City, which he and a handful of other Negro Leaguers started in a $200-a-month room in 1990.

Buck O'Neil has probably done more than anyone to see that the stories of great Black ball players before Jackie Robinson are not forgotten. Without his tireless efforts, it is unlikely a special committee would have ever started to right the wrong of segregated baseball. So it strikes many of us as ironic that Buck wasn't chosen to enter Cooperstown. He greeted the news with typical Buck O'Neil grace and optimism when he said:

> Before I wouldn't even have had a chance but this time I had that chance. . . . I was on the ballot, man.

Isn't that a great quote, from a man 94 years of age, who could have been given that moment in history to be the only surviving member of the Negro Leagues to actually physically be there as he was admitted to the Cooperstown Hall of Fame?

He added something. He said:

> You think about this. Here I am, the grandson of a slave. And here the whole world was excited about whether I was going in the Hall of Fame or not. We've come a long, long ways. Before, we never even thought about anything like that. America, you've really grown, and you're still growing.

The story of Black baseball is amazing. During its golden years, Negro Leagues Baseball was the Nation's third-largest Black-owned business.

The leagues included such storied franchises as the Chicago American Giants, the Kansas City Monarchs, the Homestead Grays, the Atlanta Black Crackers, the Newark Eagles, and the New York Black Yankees.

Among its stars were the legendary Satchel Paige, Josh Gibson, called ''the black Babe Ruth'', William ''Buck'' Leonard, the ''black Lou Gehrig,'' the acrobatic William ''Judy'' Johnson, and James ''Cool Papa'' Bell. Cool Papa Bell was so fast, it was said that he could turn off the light and be in bed before the room got dark. Even Jesse Owens declined to race against him.

The roots of black baseball stretch back to 1867. That year—2 years after the Civil War ended—the National Baseball Players Association was created. The new league banned any team that included even one Black player.

In 1887, the first Black baseball team, the Cuban Giants, was formed to give talented black players in New York a chance to play ball. Their success inspired other Black teams to form.

Many of the teams were hugely popular. One Sunday in 1911, the Chicago Cubs drew 6,000 paying fans, the White Sox had 9,000 fans, while the black team, the Chicago American Giants, drew 11,000 fans.

In 1920, the owner of the Chicago American Giants, Rube Foster, and other team owners met in Kansas City to form the Negro National League.

Foster hoped that the victor in the Negro championship would one day play the major league winner and that the color line in baseball would eventually be erased entirely.

That dream was crushed in 1919, with the appointment of Major League Baseball's first commissioner, Kenesaw Mountain Landis, who forbade White ball clubs from playing against Black clubs, even in exhibition games.

Negro Leagues players were paid little. They suffered long bus rides, exhausting schedules, and second-and third-rate motels. Other times, they relied or Black churches and fans' homes for a place to sleep. They played year round. When it got cold in the states, they headed south to play in Cuba or the Dominican Republic.

The color line was nearly broken in 1943 when Chicago Cubs owner Bill Veeck planned to buy the Philadelphia Phillies and hire Satchel Paige, Josh Gibson and other Negro League stars, but Landis learned of the plan first and sold the team to someone else.

The following year, Landis died. The new commissioner, former Kentucky Governor Happy Chandler, famously declared: ''I'm for the Four Freedoms.

If a Black . . . can make it on Okinawa and Guadalcanal . . . he can make it in baseball.'' But the Major League owners disagreed and voted against integration 15-to-1.

In 1945, Brooklyn Dodgers owner Branche Rickey signed a shortstop from the Kansas City Monarchs to play for the Dodgers' farm club. As a lieutenant in the Army, Jack Roosevelt Robinson risked a court-martial by refusing to sit in the back of a military bus. In 1947, he was called up to play for the Dodgers. Baseball's color line was finally erased.

Soon after, the Negro Leagues began to falter financially as they lost more and more of their best players to the majors. The league folded in 1960.

Before the vote this week, only 18 of the Negro League's more than 2,600 players had been voted into the Hall of Fame.

Among those pushing for recognition of other deserving Negro Leaguers was former Baseball Commissioner Fay Vincent. Vincent's interest in Negro Leagues ball was heightened after he met Alfred ''Slick'' Surratt, a Negro Leaguer who served in World War II and was wounded at the Battle of Guadalcanal, and then barred from playing Major League baseball when he returned home.

In 1991, at the urging of former St. Louis Cardinals catcher and baseball broadcaster Joe Garagiola, Vincent arranged a trip to Cooperstown for 75 Negro League players. At a formal dinner, he apologized to the players for the way baseball had snubbed them. He later told a reporter from USA Today: ''I really thought I was repeating an old line, but it turned out that it was the first time that someone—from Major League Baseball—had done that.'' When he handed out a commemorative medallion of the event, he said, ''about a third of [the players] were crying.''

In 2000, Major League Baseball commissioned a $250,000 study of African-American players from 1860 to 1960. The result is the most thorough statistical record of the Negro Leagues ever compiled. It includes statistics culled from Black-owned newspapers as well as stats from games that matched barnstorming White players—including Babe Ruth and Dizzy Dean—against Negro Leaguers.

The league then appointed a special commission of 12 historians and scholars to sift through the record and select players who should be considered for the Hall of Fame. The first list included 39 names. From those 39 players, the committee this week selected the 17 new Hall of Famers.

It wasn't just on the field that Negro Leagues Baseball differed from White baseball. At Major League games Black and White fans were separated by chicken-wire fences—''one of the powerful symbols of racism,'' in Buck O'Neil's words. But during Negro League games, Blacks and Whites sat side by side.

In July, when the Hall of Fame's class of 2006 is formally inducted, more of the legends of Black baseball will finally take their rightful place at Cooperstown, to be honored side by side with the rest of the best who ever played America's game. As Buck O'Neil said, ''America is growing.''

We congratulate the families of all of the new Hall of Famers, and we remain hopeful that Buck O'Neil and Minnie Minoso will soon join them in Cooperstown.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:36 p.m., adjourned until Thursday, March 2, 2006, at 9:30 a.m.