

I said to myself as I walked away,
 "Which of these roles am I trying to play?
 Am I a builder who works with care,
 Building my life by the rule and square?
 Am I shaping my deeds by a well-laid plan,
 Patiently building the best I can?
 Or am I a wrecker who walks the town
 Content with the labor of tearing down?"

That's what we see today. I call on my colleagues to stand as the Framers intended, as a check against an overreaching executive. I have urged the people of America to awaken to what is happening and to speak out against those who would tear down the fabric of Constitutional liberty. To speak out, for it is the duty of each citizen to be vigilant to what his or her government is doing, and to be critical, if need be. It is not unpatriotic to speak out. It is not unpatriotic to ask questions. It is not unpatriotic to disagree. Speak out, lest the right of dissent, the right to disagree, be trampled underfoot by misguided zealotry and extreme partisanship.

I have been in Congress now close to 51 years, longer than any other person—out of 11,707 individual persons who have served in the House or Senate or both—with the exception of two. And I have never seen such extreme partisanship; such bitter partisanship; such forgetfulness of the faith of our fathers, and of the Constitution. Never have I seen the equal of what I have seen in these last three years.

But let us not fear. The individual mind remains an unassailable force. The individual voice can inspire other to act. A single act of bravery can lead an army against great odds. At a time when dissent is labeled unpatriotic, the strength of a single individual can give hope to the hopeless, voice to the voiceless, power to the powerless.

"The iron will of one stout heart shall make a thousand quail. A feeble dwarf, dauntlessly resolved, will return the tide of battle, and rally to nobler strife the giants that had fled (Martin F. Tupper, 1810-1889)."

During these troubled times, the legacy of Franklin Eleanor Roosevelt is not forgotten. Again, I thank Ann Roosevelt and the inimitable William vanden Heuvel (the Great!), and the Board of the Roosevelt Institute for this great honor. I thank again my protegee in whom I have great pride, Senator Hillary Clinton. And I thank each of you here this morning. This day has inspired me to carry on with new energy.

I close with words from President Roosevelt's first inaugural address: "[T]he only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."

If I may be so bold as to add, let us take courage from conviction. Carry high the banner of this Republic, else we fall into the trap of censorship and repression. The darkness of fear must never be allowed to extinguish the precious light of liberty.

May we remember the words of the Scripture (Proverbs 22:28): "Remove not the ancient landmark, which thy fathers have set."

EXPANSION OF NATIONAL SECURITY LETTER AUTHORITY IN INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. LEAHY. Mr. President, yesterday saw passage of yet another example of this Administration's secret efforts to further expand secret powers of the FBI. The FBI can now use National Security Letters, NSLs, which do not require approval by a court, grand jury, or prosecuting attorney, to de-

mand confidential financial records from car dealers, pawn brokers, travel and real estate agents, and other businesses, and to prohibit the business from disclosing that the records have been sought or obtained.

There is no requirement that the FBI demonstrate a need for such records. It need only assert that the records are "sought for" an intelligence or terrorism investigation. Nor are there sufficient limits on what the FBI may do with the records or how it must store them. For example, information obtained through NSLs may be stored electronically and used for large-scale data mining operations.

Congress last expanded the FBI's NSL authority in October 2001, as part of the comprehensive antiterrorism package known as the USA PATRIOT Act. Incredibly, the Intelligence Committee forced passage of this latest expansion without consulting the Judiciary Committee, which oversees both the FBI and the implementation of the PATRIOT Act. Indeed, the Committee is in the midst of holding a series of oversight hearings on the PATRIOT Act, including the very provision that has now been significantly modified.

What is even more incredible is the fact that this very provision is the target of sunset legislation that I and other members of the Judiciary Committee, both Democratic and Republican, have introduced. There is no doubt that we would have meaningfully and thoroughly explored further expansion of the NSL authority had we been given the opportunity to do so.

This is what the new law has done. Under the PATRIOT Act, the FBI was permitted to use NSLs to obtain records from banks and other similar financial institutions if they were "sought for" an intelligence or terrorism investigation. Now the term "financial institution" has been expanded to include a host of other businesses that have nothing to do with the business of banking, and the term "financial record" has been expanded to include any record held by any such business that pertains to a customer.

The FBI has long had the power to obtain this sort of information, whether through a judicial subpoena or a search warrant. But with the stealth amendment of the NSL authority, the FBI can now obtain a vast amount of personal and highly confidential information without obtaining court approval, and without any other independent check on the validity or scope of the inquiry. The privacy rights of all Americans have been compromised as a result.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new cat-

egories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Today marks the fifth annual Transgender Day of Remembrance and this year, we mourn with 37 families who lost their loved ones to antitransgender violence. My home State of Oregon has also lost a citizen to this form of hatred. In August 2001, Lorenzo "Loni" Okaruru died after being savagely beaten about the head and face with a blunt instrument. Detectives believe that the crime was most likely committed by a man who picked up Okaruru, who he thought was a woman, and was angered to find out Okaruru was a biological male. Law enforcement officials believe that Okaruru was killed because of his sexual orientation and gender identity and have classified the crime as a hate crime. The Portland community and civil rights groups rallied together to denounce this horrible crime.

I believe that Government's first duty to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONSEQUENCES OF THE NO CHILD LEFT BEHIND ACT FOCUS ON STUDENT TESTING

Mr. FEINGOLD. Mr. President, this month public school students around Wisconsin are sharpening their No. 2 pencils and settling in to take a series of annual tests called the Wisconsin Knowledge and Concepts Examinations. These exams, given to students in grades four, eight, and ten, test students' knowledge of reading, language arts, math, science, and social studies.

These tests—and their results—have taken on new meaning for schools around my State as students and teachers in Wisconsin settle into their second school year under the No Child Left Behind Act. This law, the centerpiece of the President's domestic agenda, requires that students in grades three through eight and in one high school grade be tested annually in reading and math beginning in the 2005-2006 school year, with annual science tests to be added 2 years later. Thus, Wisconsin will be required to expand the WKCEs, and the already-existing annual third grade Wisconsin Reading Comprehension Test, to include new reading tests for students in grades five, six and seven; and new math tests for students in grades three, five, six, and seven.

As I travel around Wisconsin, I hear time and again from frustrated parents, teachers, administrators, and school board members about their concerns with the ongoing implementation of the NCLB. I began to hear such comments more than 2 years ago when the President first proposed his education