

report. I am not sure that this conference report can win the confidence of the American people. Rather than seek common ground with the Congress and with the American people that we represent, the Bush administration and Republican conferees have taken and abused their power and taken terrible advantage.

Just 2 months ago, we observed the fourth anniversary of the horrific attacks of September 11, 2001. In the aftermath of the attacks, Congress moved quickly to pass anti-terrorism legislation. The fires were still smoldering at Ground Zero when the USA PATRIOT Act became law on October 30, 2001, just 6 weeks after the attacks.

Many of us here today worked together in a spirit of bipartisan unity and resolve to craft a bill that we had hoped would make us safer as a nation. Freedom and security are always in tension in our society, and especially so in those somber weeks after the attacks, but we tried our best to strike the right balance. One of the fruits of that bipartisanship was the sunset provisions contained in the PATRIOT Act. These sunsets have allowed us some opportunity to obtain key information Americans have a right to know, and to revisit these matters to add more sunshine and oversight. Those sunsets were supported by Dick Arme, the Republican House majority leader and by me in the Senate an unlikely duo I concede, but in this case, a successful and productive alliance that proved to benefit the American people. We prevailed, thank goodness.

Sadly, the Bush administration and Republican congressional leadership has largely squandered this opportunity to refine the PATRIOT Act. Instead, they are insisting on a continuing assault on habeas corpus rights and adding other extraneous matters. Working with Chairman SPECTER, we are insisting on modifications to the conference report that will make it more protective of civil liberties and increase opportunities for oversight, including a 4-year sunset.

I thank Senators KENNEDY, ROCKEFELLER and LEVIN for their efforts to improve the draft circulated to us this week. I know that some Senate Republican conferees were not satisfied that the draft fully protected Americans' civil liberties and thank them for working to improve this important measure. I hope that the other conferees will work with us to arrive at a conference report that we all can support and that we can take to the American people together.

If the Bush administration would cooperate with us—the people's representatives—we will be better able to refine the authorities and uses of national security letters and the other tools provided in the law. Without that cooperation, with the veil of secrecy cloaking so much activity, neither Congress nor the American people will know or trust what the government is doing.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for the passion and commitment he has to the protection of our law enforcement officers, who are doing a great job for us. I appreciate what he is saying and doing.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2528

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be 1 hour of debate equally divided between the two managers in relation to the conference report to accompany H.R. 2528, the Military Quality of Life and Veterans Affairs appropriations bill. I further ask consent that following the use or yielding back of time, and when the Senate then receives the conference report, it be immediately considered, and the conference report be adopted, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I believe what we bring before the Senate today is a product worthy of our support. The conference report has been crafted under two different approaches. What I believe has emerged is not only a good compromise but also makes strides in both oversight and policy. What has emerged is a solid recommendation.

I thank my chairman, Senator COCHRAN, for his leadership. This subcommittee faced some extreme budgetary shortfalls, and without his leadership, and basically allocating more resources to this committee, we would not be able to bring this conference report to the Senate today.

I also especially thank my ranking member, Senator FEINSTEIN, for her constant support and willingness to work together. I thank her staff as well: Christian Evans, B.G. Wright, and Chad Schulken for their hard work and professionalism, along with my great staff, Tammy Cameron, Dennis Balkham, and Sean Knowles. It has been a team effort and I appreciate that so much.

The military construction portion of our bill provides \$6.2 billion for military construction, \$5.1 billion of which is for Active Component construction, and \$1.1 billion for Reserve Component construction. It also includes \$4 billion for family housing. There is \$1.75 billion for BRAC implementation and cleanup for both 2005 and prior rounds. The conference agreement also provides necessary services for our service men and women and their families, not only enabling them to effectively do their jobs, but also providing an improved quality of life in our military communities. This is important for many reasons. Of course, it is the right thing to do for our military. It is also

the smart thing to do with our tax dollars. In this time of war and frequent deployments, recruiting and retention, maintaining a ready and available workforce is very much on the minds of our military leaders. We often say, in this era of an All Volunteer Force: You recruit individuals, but you retain families. The quality-of-life improvements that make our military communities great places to live are crucial in the retention of military families. Within this conference report before you, we fund projects that will improve the lives of those families. We fund 11 family housing privatization projects, which will provide high-quality, market-standard housing for nearly 15,000 military families; 39 barracks projects that will get our single soldiers, sailors, airmen, and marines out of substandard living conditions, or, in some cases, off ships and into first-rate facilities; and schools, child development centers, and family support centers that will ensure our servicemembers' children and spouses are cared for, are included in this bill.

These improvements make it easier for troops to deploy, to focus on their day-to-day jobs, while giving them the peace of mind that comes with knowing their families and homes are taken care of, so they can give their attention to the job we are asking them to do—protecting America. The conference report provides the first piece to the most recent BRAC round. With the funds provided, it places priority on those funds which are critical to carrying out BRAC, while providing the necessary financial oversight of the resources provided.

For our veterans, we have fully funded the President's request for veterans benefits and health care. This has not been easy. House and Senate conferees have provided \$22.547 billion for medical services, which includes \$1.225 billion in emergency funding to fully meet the President's amended request for medical care for the country's veterans. This conference has strongly responded to the VA's recent budgetary shortfall by putting in place stringent financial reporting requirements in an effort to avoid the repeat of budget crises witnessed this summer in VA health care.

We have fully funded the request for medical facilities and infrastructure, totaling \$3.3 billion for fiscal year 2006. We have created three Centers of Excellence for mental health care, while at the same time fully funding health care for post traumatic stress disorder and other mental health care throughout the VA.

The conference has funded medical and prosthetic research at \$412 million, which is \$19 million more than the President's request. This is important because we know many of our troops coming home from Iraq and Afghanistan are suffering from loss of limbs, to a greater extent than we have seen before. So we want the research to make sure the prostheses they have make

them fully ambulatory and able to function in the rest of their lives.

The conference takes the unprecedented step of providing \$15 million specifically dedicated to Gulf War Illness research for this year and the next 4 fiscal years, fulfilling the Research Advisory Commission's recommendations on Gulf War Illness. This is a disease for which we must determine the cause so we can treat the one in six who returned from the Gulf War with these symptoms and protect future service men and women from contracting this disorder.

The conference report before you today establishes a new account within the VA dedicated to information technology systems. Not only does this new account provide for increased oversight and consolidated information technology efforts within the VA, it codifies the new position of a VA Chief Information Officer and subsequent reorganization. I believe this is a critical step toward helping the VA achieve success in medical recordkeeping and medical record availability. Its HealtheVet-electronic patient records project paid great dividends during the recent hurricanes.

In fact, the conference report has also responded to the recent hurricanes by providing the VA authority to establish an Assistant Secretary for Disaster Preparedness, something which will enable the VA to better respond to future disaster situations.

Finally, we have provided \$1 million over the President's request for the American Battle Monuments Commission for an environmental study to save the eroding monument at Normandy Cemetery.

All in all, I believe the conference report before the Senate provides much-needed resources and does so while maximizing our limited resources in meeting the greatest needs of our military, their families, and our veterans.

On a personal note, I want to say I have worked very closely with Secretary Jim Nicholson of the VA, and I know of his dedication to doing what is right for our veterans, something we all wish to do. I appreciate his leadership. We owe our active-duty military, our Guard and Reserves, who stand ready to serve, and our veterans, who have served, the care of our country. We have achieved these goals in the conference report today.

Therefore, I urge my colleagues to vote in favor of this conference report.

Mr. President, I yield to my ranking member, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join my chairman, Senator HUTCHISON, in recommending this 2006 Military Construction, Veterans Affairs, and Related Agencies appropriations conference report to the Senate. This is the first year that MILCON has added dramatically to its portfolio, and I want to compliment the chairman of our committee, and I

want to compliment her staff for what has been, I think—on what could have been a very difficult bill—a very bipartisan, constructive, team-like, problem-solving effort. I only wish we had more of it in the Senate. But I want the chairman to know how much I am grateful to her for her leadership, and I want her staff to know that as well.

I also thank Chairman COCHRAN—what Senator HUTCHISON said was right about the amount of money—and also Senator BYRD for their leadership and diligence in getting this bill through conference and to the Senate floor.

As the chairman said, the conference report before us today is a first. It provides for the infrastructure needs of our military and the health care and other needs of our veterans.

The bill is a big one. It is an \$82.57 billion bill. It includes \$12.167 billion for MILCON, family housing, environmental cleanup; \$70.25 billion for veterans' benefits and health care—that is the big addition—and \$157.6 million for several related agencies.

Of the many vital programs the Senator elucidated as funded in this conference report, none is more important than the funding we provide to meet the medical needs of our Nation's veterans. As a Senator from a State with the largest population of veterans in the Nation, I cannot overstate the importance of this issue. We have to support our veterans to the fullest extent possible.

The conference report before us today provides \$22.547 billion for veterans medical services. Included in that level is \$1.225 billion in contingent emergency funding to make up the projected shortfall in the President's original budget request. The Senate had sought a higher level of funding, and it was my sincere hope that the House, which had zero emergency funding for veterans in its version of the bill, would have agreed to our position and accepted the full amount provided in the Senate bill. That did not happen. But given the huge disparity between the House and Senate funding proposals, the level of funding provided in the conference report is a good start. I commend, again, the chairman for her hard work—for the cooperation of Senator COCHRAN, chairman of the Appropriations Committee—in bridging the enormous gap between the two bills and ensuring that the conference report did not shortchange our veterans. I do not believe it does shortchange our veterans.

The proposed funding for VA medical services is equal to the level of funding the administration has said it needs for fiscal year 2006. That is clearly a good start. But it offers—and it has to be pointed out—no safety net to our veterans, should the VA's budget once again prove to be wrong. This is a worrisome prospect. Hopefully, the administration got it right this time and the funding will be sufficient, but everyone should know that we will be watching. Additionally, there is much talk float-

ing around the Capitol of an across-the-board cut to discretionary programs. I would like to be clear to everyone, any across-the-board cut to VA medical services will mean cuts in health care for veterans. There is no other way around it. We can't allow it to happen.

As I noted earlier, the medical services proposal includes the \$1.225 billion in contingent emergency funding. This means the administration will have to designate the funding as an emergency before it is apportioned to the VA. I want to send this message loud and clear to the administration: Do not sit on this funding and force the VA to have to begin rationing health care. We will not stand for that.

The MILCON portion of the report provides \$12.17 billion to fund state-of-the-art facilities. The Senator has mentioned some of them—barracks, housing for military families, and other vital infrastructure for servicemembers around the world.

Army projects were increased by 19 percent; Air Force, by 18 percent; and the Navy, by nearly 8 percent. When enacted, this bill will fund Active-component MILCON at \$5.1 billion. We were also able to provide significant increases in funding for Reserve-component MILCON. This is important at a time when our Reserve Forces are being asked to do more than ever before and, in many cases, are being deployed to combat zones overseas multiple times. Ensuring that these troops have adequate facilities in which to train and maintain their equipment is crucial to the success of their mission. To that end, the conferees agreed to increase funding for Army Guard projects by 60 percent, a substantial amount; for Air Guard projects by 83 percent over the President's budget request. In fact, overall funding for Reserve components was increased by 52 percent over the President's budget request, dedicating \$1.1 billion for new facilities for our Reserve bases. That is important, and it means that this committee has done an excellent job in recognizing the need.

In summary, I once again thank my chairman, Senator HUTCHISON. I not only enjoy her collegiality but her friendship as well. I want her to know that that means a great deal to me. I thank Chairman COCHRAN and Senator BYRD for their leadership. And I would like to thank our staffs who really worked in what I like to believe is a hallmark, sometimes, of this great body, which is bipartisanship. They have shown an unflinching spirit of cooperation. So thank you, Tammy Cameron, Sean Knowles, and Dennis Balkham for Senator HUTCHISON, and Christine Evans, B. G. Wright, Chad Schulken, and Chris Thompson of my staff.

I yield the floor.

The PRESIDING OFFICER. (Mr. CHAMBLISS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, collegiality and bipartisanship is a

two-way street. You can't do it if only one person wants to do the right thing. I have worked with Senator FEINSTEIN. She has been chairman of our committee, and I have been ranking member. I have been chairman, and she has been ranking member. We have always come together to do what is right for the military personnel who are defending our country as we speak today. We both believe in quality of life, good housing, good health care facilities, good childcare facilities, and all the things that we can provide in the purview of our bill. And now we have the veterans, which has been added to our bill this year, which is a great opportunity for us to continue to say thank you to those who have preserved the freedom for our generation.

We have come together on the goals, and I could not ask for a better partner.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas.

Mrs. HUTCHISON. I so appreciate that we can do this in the Senate, which is what we ought to be doing in every committee. I hope by our ability to do this—frankly, the Appropriations Committee, in general, does so—we will be able to create a better America for all of our constituents.

I thank the Chair and yield back all of my time.

Mrs. FEINSTEIN. I do, as well, Mr. President.

Mrs. HUTCHISON. Mr. President, we have already passed the resolution. When it comes from the House, we have deemed that it would be passed here.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### THE PATRIOT ACT

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the PATRIOT Act which, unfortunately, seems to have reached an impasse. That is distressing to me. I can't imagine that we have allowed this to happen. It is very disappointing. The American people need to understand how important the act is and how little it impacts the liberties which we cherish and how carefully it was crafted so as to not impact our liberties. I would like to share a few thoughts about that.

Many of the key provisions of the act are scheduled to sunset at the end of this year. We will now presumably have to try to come back, in the few days we have in December, to complete the work. That is a very risky thing. We should complete this work today. Remember, those who do not sign up for this legislation, this conference re-

port, or support it and do it today, giving us time to vote on it before we leave for the year, are risking letting the PATRIOT Act expire. And with its expiration, the walls that prohibited our governmental agencies from sharing critical intelligence information will go back up. Those are the very walls that were structured between the FBI and the CIA and other agencies that blocked the sharing of intelligence information that, in retrospect, we believe could possibly have allowed us to find out about and stop the 9/11 attacks. Perhaps not, but those walls, those failures to be able to share intelligence between those agencies were a critical factor in our lack of cooperation prior to 9/11.

We passed the PATRIOT Act to fix that. It has worked extremely well. We should not go back to that time of the great walls.

The PATRIOT Act has, without doubt, made us immeasurably safer. I fully support the act's provisions as originally passed. The main goal of the act was then, and remains today, very simple: to give Federal law enforcement officers, the FBI, and other agencies the same tools to fight terrorists and agents of foreign powers as the tools they have—and virtually every law enforcement officer at the county, city and State level have—to fight other type criminals, drug lords, murderers, and even white collar tax evaders.

I do not believe we acted too hastily in passing the PATRIOT Act. We were focused on this act. We made a commitment not to alter any of the great protections that we had. We negotiated it intentionally. People made the most outrageous allegations and had the most incredible misinformation about what was in it. By the time we completed the intense negotiations and debate for weeks, it was voted for in the Senate by an overwhelming bipartisan majority of 98 to 1. The House voted it with a huge majority also, 357 to 66. This year we passed the bill unanimously out of the Senate Judiciary Committee, a contentious committee, a committee which has civil libertarians on the right and the left. We voted it unanimously out of that committee, and the Senate passed it by unanimous consent. As originally drafted, the PATRIOT Act does nothing to harm the civil rights and liberties of Americans.

I want to talk about that just a little. The Department of Justice inspector general, Glenn Fine, an appointee of President Clinton, has investigated all of the claims of civil rights and civil liberties violations received by the Department of Justice under the act. The independent inspector general found no incident in which the PATRIOT Act was used to abuse the civil rights or civil liberties of American citizens or anyone else.

I do not believe portions of this act must be significantly revised, or have additional so-called protections added. And, I do not believe that sections of

this act should be sunsetted. I will share with my colleagues the words of Attorney General Gonzales which he gave in a letter to our conferees as we tried to work out the final words for this act. He wrote to us and said—and no truer words have been spoken:

The terrorist threat against this country will not sunset, and neither should the tools we use to combat terrorism.

Let me mention a few of the provisions of the act that give us the tools that are so important. One is the roving wiretap provision. Roving or multipoint wiretaps have been available to criminal investigators for many years. But section 206 of the PATRIOT Act made sure that this tool was also available for fighting terrorism. It allows the FISA court, the special foreign intelligence court, to authorize a wiretap to move from device to device as the target of the wiretap, the target of the foreign intelligence investigation, changes modes of communication.

So let me tell you, though this has been approved as a legitimate law enforcement tool, and should continue to be a law enforcement tool, it is not that easy to obtain, you really have to prove you need a roving wiretap. I was a Federal prosecutor for over 15 years, a U.S. attorney, and I personally supervised and prosecuted a lot of cases. Let me just tell you how it works.

In my 12 years as U.S. attorney for the Southern District of Alabama, I think maybe we had two wiretaps. These are very difficult to obtain. You have to have probable cause to believe that a person is involved in criminal activity. You have to identify how he is using communication devices and then submit to the court a memorandum—and the ones that I have seen were 60 to 100 pages of facts—to prove to the judge's satisfaction that we are not snooping on somebody who is innocent, but we are actually attempting to understand the scope of major criminal activity.

The way it is monitored and managed is incredibly important because you have to listen to it constantly. If they talk about their family, you are supposed to turn it off. You have to have people listening all the time so that you can catch the evidence you are seeking. It is very expensive. You don't do it unless it is very important.

So I have to say, Mr. President, it is so important in a terrorism investigation that agents have this tool when they are on to a group or entity that is not just selling drugs, as bad as that is, but are intent on blowing up and killing thousands of American citizens. And when you are on to them and they start using this phone and that phone and that phone and you have run back to court with your 60-page memorandum and find a judge and set up a hearing date and all that, by that time he has maybe gone to another phone, a cell phone, a pay phone, a phone in a motel, wherever he moves.

So it is perfectly appropriate to have a wiretap if it is approved by a court