

Mrs. Salazar is suffering from very delicate health. She was taken early this morning from her home in Alamosa, CO, to Denver for hospitalization.

The entire Salazar family is together in Denver as we speak comforting her and each other during this very difficult time.

I want them to know that the thoughts of everyone in this Chamber are with them.

Those of us who have come to know KEN SALAZAR know what a gentleman he is and how family oriented he is.

I spoke to him last night as he was getting ready to leave, and he is very concerned about his mom.

We wish KEN and his family the very best. I hope all Members of the Senate family would keep this good man and his family in their prayers.

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#### TRIBUTE TO ELLEN KNOWLTON

Mr. REID. Mr. President, I rise today to honor a woman who has worked hard to ensure the safety of southern Nevadans, and indeed all Americans, for more than 24 years. Mrs. Ellen Knowlton recently retired from her position as Special Agent in Charge of the FBI's Las Vegas field office. As Special Agent Knowlton brings an end to her long and distinguished career, I join her family and friends in offering our gratitude for her honorable and dedicated service in our community.

Ellen joined the FBI in 1982, and went on to serve in Bureau offices in California, Oklahoma, Louisiana, and Washington, DC. In Washington, she was deputy assistant director of the Bureau's National Security Division Counterintelligence Operations. While in this capacity, Ellen supervised the September 11 terrorist hijacking investigation, for which our Nation is indebted.

In March 2002, Ellen became Special Agent in Charge of the FBI's Las Vegas operations, bringing with her a wealth of knowledge and experience from which Nevada continues to benefit. She refers to this appointment as the "pinnacle" of her career. However, I feel it is Nevadans who are truly fortunate for that appointment. Her work in Las Vegas has left a lasting impact on the State and our communities, particularly the relationships Ellen forged with local law enforcement. Her work has set a gold standard of cooperation and goodwill.

Special Agent Knowlton's colleagues within the law enforcement community often express their admiration for her. This speaks not only to her merits as a professional but to her character as an individual as well. Ellen has chosen a life of service and deserves all the praise and accolades she receives.

I am grateful for Ellen's untiring efforts on behalf of our country and leadership in our community. I wish her and her family the best as they embark on this new phase of their lives.

#### PANDEMIC INFLUENZA PREPAREDNESS

Mr. COCHRAN. Mr. President, I appreciate the efforts of the Labor, Health and Human Services subcommittee to ensure that the Senate and the public are educated on the important issues surrounding pandemic flu preparedness. The input of this panel in November was important to this committee as we worked to provide pandemic flu funding in the December Defense Appropriations bill.

The Senate Appropriations Committee has taken a significant first step in addressing this issue. We will continue to work with the Secretary of HHS and the White House to provide the funding necessary to prepare our country for an influenza pandemic. We realize these efforts require Federal and local governments, as well as private industry, working together. I am pleased that these interests are all represented here today.

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#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 8, 2005, in Brooklyn, NY, Dwan Prince a gay man, was savagely beaten by three men who screamed anti-gay slurs during the assault. The attack took place outside Prince's apartment building in the Brownsville section of Brooklyn. Prince was immediately rushed to the hospital after the attack where he remained for close to a week.

I believe that the government's first duty is 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.

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#### EDUCATION FOR GLOBAL LEADERSHIP

Mr. LUGAR. Mr. President, in this era defined by rapid globalization and the fight against terrorism, an increased focus on international studies and foreign language instruction in our schools is critical to maintaining our country's global leadership position. In order to foster the continued expansion of economic development and democratic institutions across the globe, we need citizens and workers who are knowledgeable of other cultures and languages.

This need has become painfully evident in recent years as our Armed Forces, intelligence agencies, and diplomatic services have struggled to find personnel fluent in languages such as Arabic and Farsi and knowledgeable of the traditions and customs of the Middle East. At the same time, growing economic opportunities in Asia have put a premium on knowledge of languages such as Chinese, Hindi, Japanese, and Korean.

Fortunately, we are seeing welcomed movement in confronting this challenge. Recently, President Bush launched the National Security Language Initiative to increase the number of Americans learning critical foreign languages. And today, the Committee for Economic Development, CED, a nonpartisan organization of business leaders and university presidents, has released a new policy statement, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security. This report provides recommendations for the public and private sectors for strengthening and expanding international studies and foreign language instruction across all levels of learning.

I welcome these developments and encourage my colleagues to review the CED's recommendations and join in this critical effort to enhance our economic and national security.

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#### PATRIOT ACT DEAL

Mr. FEINGOLD. Mr. President, I understand that some of my friends and colleagues in this body have come to an agreement with the White House on reauthorizing the PATRIOT Act.

While I respect these Senators greatly, I am gravely disappointed in this so-called deal. The White House agreed to only a few minor changes to the PATRIOT Act conference report that could not get through the Senate back in December. These changes do not address the major problems with the PATRIOT Act that a bipartisan coalition has been trying to fix for the past several years. We have come too far and fought too hard to agree to reauthorize the PATRIOT Act without fixing those problems. A few insignificant changes just doesn't cut it. I cannot support this deal, and I will do everything I can to stop it.

I understand the pressure that my colleagues have been under on this issue, and I appreciate all the hard work that they have done on the PATRIOT Act. It has been very gratifying to work on a bipartisan basis on this issue. It is unfortunate that the White House is so obviously trying to make this into a partisan issue, because it sees some political advantage to doing so. Whether the White House likes it or not, this will continue to be an issue where both Democrats and Republicans have concerns, and we will continue to work together for changes to the law. I am sure of that.

But I will also continue to strongly oppose any reauthorization of the PATRIOT Act that does not protect the rights and freedoms of law-abiding Americans with no connection to terrorism. This deal does not meet that standard; it doesn't even come close.

The PATRIOT Act conference report, combined with the few changes announced today, does not address the core issues that our bipartisan group of Senators have been concerned about for the last several years. The modest but critical changes we have been pushing are not included. I am not talking about new issues. We are talking about the same issues that concerned us when we first introduced the SAFE Act more than 2 years ago to fix the PATRIOT Act. And we have laid them out in detail in several different letters over the past few months.

First, and most importantly, the deal does not ensure that the government can only obtain the library, medical and other sensitive business records of people who have some link to suspected terrorists. This is the section 215 issue, which has been at the center of this debate over the PATRIOT Act. Section 215 of the PATRIOT Act allows the government to obtain secret court orders in domestic intelligence investigations to get all kinds of business records about people, including not just library records but also medical records and various other types of business records. The Senate bill that this body passed by unanimous consent back in July would have ensured that the government cannot use this power to go after someone who has no connection whatsoever to a terrorist or spy or their activities. The conference report replaces the Senate test with a simple relevance standard, which is not adequate protection against a fishing expedition. And the deal struck today leaves that provision of the conference report unchanged.

Second, the deal does not provide meaningful judicial review of the gag orders placed on recipients of section 215 business records orders and National Security Letters. Under the deal, such review can only take place after a year has passed and can only be successful if the recipient proves that that government has acted in bad faith. The deal ignores the serious first amendment problem with the gag rule under current law. In fact, it arguably makes the law worse in this area.

And third, the deal does not ensure that when government agents secretly break into the homes of Americans to do a so-called sneak and peek search, they tell the owners of those homes in most circumstances within 7 days, as courts have said they should, and as the Senate bill did.

As I understand it, this deal only makes a few small changes. It would permit judicial review of a section 215 gag order, but under conditions that would make it very difficult for anyone to obtain meaningful judicial review. It would state specifically that the gov-

ernment can serve National Security Letters on libraries if the library comes within the current requirements of the NSL statute, a provision that as I read it, just restates current law. And it would clarify that people who receive a National Security Letter would not have to tell the FBI if they consult with an attorney. This last change is a positive step, but it is only one relatively minor change.

So this deal comes nowhere near the significant, but very reasonable, changes in the law that I believe are a necessary part of any reauthorization package. We weren't asking for much. We weren't even asking for changes that would get us close to the bill that this body passed without objection last July. But the White House would not be reasonable and has forced a deal that is not satisfactory in an effort to serve their partisan purposes. I will oppose it, and I will fight it.

#### ENEMY COMBATANTS

Mr. KYL. Mr. President, I rise today to put into the RECORD a letter that Senator GRAHAM and I recently sent to the Attorney General, and to respond to misrepresentations that have been made in the press and by others regarding the circumstances of the enactment of the Graham amendment to last year's Defense Authorization bill. The letter responds to similar misleading attacks that were made against the Justice Department at the beginning of this year. My office has received several inquiries about this letter, which was sent to the Attorney General on January 18. So that anyone interested in this matter might review the letter, I will ask to have it printed in the RECORD.

I ordinarily would not comment on the meaning of legislation that already has been enacted into law. In this case, however, there has been a considerable amount of post-enactment commentary by others on the meaning of the Graham amendment. Much of this commentary insinuates that the Administration and the backers of the amendment are violating an agreement with members of the minority by characterizing the amendment as governing pending litigation. Since the enactment of the Graham amendment last December, some critics have begun to paint a revisionist history of this legislation. In this new account, the Graham amendment supposedly was intentionally modified by the Senate so as not to affect pending litigation. Also in this version of events, Senators relied on representations that the amendment was modified to carve out pending litigation when they voted in favor of its final passage. This conspiracy theory is without foundation.

For those unfamiliar with the Graham amendment, the disputed provision in the legislation changes the Federal habeas code by adding a subsection providing as follows: "Except as provided in section 1005 of the De-

tainee Treatment Act of 2005, no court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba." The amendment also provides that "[t]his section shall take effect on the date of the enactment of this Act." In addition, the amendment establishes substantive standards for limited judicial review of CSRT determinations and military-commission decisions, and provides that the paragraphs creating those review standards "shall apply with respect to any claim whose review is governed by one of such paragraphs and that is pending on or after the date of the enactment of this Act."

Some critics now assert that nothing in the amendment prevents pre-enactment habeas actions from going forward in their previous form. For reasons explained in the letter to the Attorney General, I believe that such an interpretation is untenable. In addition to the points made in the letter, I would also add the following: the amendment states that the changes that it makes to the habeas code "shall take effect on the date of the enactment of this Act." If the current pack habeas cases are allowed to go forward in their current form, the law's provision that "no court, justice, or judge shall have jurisdiction" to hear those cases in that form will not be effective on the date of the law's enactment. Rather, the courts still would have jurisdiction over these cases after the date of enactment, and the law's all-encompassing jurisdictional bar would become effective only when the current litigation would exhaust itself—a date that likely would come only years in the future. Such a result would not be consistent with the requirement that the law's total jurisdictional prohibition "take effect of the date of the enactment of this Act."

Of those critics who argue that the amendment carves out pre-enactment habeas cases, I would simply ask, what part of "no court, justice or judge" do you not understand? How could this language possibly be more comprehensive? And how could any Senator possibly have been misled as to its effect?

Some of the recent criticism of the amendment in the press has taken a new tack. A few critics have begun to suggest that even if the legislative text of the Graham amendment does wipe out the pending habeas cases, Senators were affirmatively misled about this aspect of the final amendment. The allegation is that Senators were led to understand that the amendment that they were voting on would not affect pending cases. I have reviewed the legislative record from the days leading up to the vote on final passage of the Graham amendment, and find this suggestion wanting. Allow me to describe what was actually said about the original version of the amendment—the Graham/Kyl amendment—as well as the final version, the Graham/Levin/Kyl amendment, prior to their passage.