its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate proceed to a vote on the resolution of ratification; and further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

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

Mr. BIDEN. Mr. President, I support the Treaty on Mutual Legal Assistance with Germany, a close and trusted partner with the United States on law enforcement matters.

I would like to address one issue that arose during the review of the treaty. Article 12(1) of the treaty provides that ''Each Party may at the request of the other Party, within its possibilities and under the conditions prescribed by its domestic law . . . take the necessary steps for the surveillance of telecommunications.''

After the revelation last December of the program of warrantless surveillance by the National Security Agency, NSA, the question arose whether the treaty would provide another purported legal authority for the NSA program. My view is that it does not. But the President's lawyers have proffered highly dubious theories for the program, and the Senate should not make assumptions about what the executive branch thinks about a treaty, because ultimately it is the President, not the Senate, who is charged with ''faithfully executing'' it. So I asked the executive branch its legal view about whether the treaty provides any additional legal authority for electronic surveillance—whether for the NSA program or any other program.

On April 6, 2006, I wrote the Attorney General of the United States to ask him to confirm that the treaty does not authorize warrantless surveillance. On July 3, after nearly 3 months of deliberation, the Department of Justice responded to my letter. Why it took so long to answer this simple question is unclear. But the response itself is clear: the Justice Department letter concludes that the treaty with Germany would ''in no way expand current authority under U.S. law to conduct electronic surveillance.''

I welcome the Justice Department's response. While I may disagree with the Department about the scope of the current authority under U.S. law to conduct electronic surveillance, I agree with the Department's interpretation that Article 12(1) does not expand that authority.

I urge all Senators to support this treaty.

I ask unanimous consent that both letters be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 6, 2006.

Hon. ALBERTO R. GONZALES,
Attorney General of the United States, Washington, DC.

DEAR JUDGE GONZALES: Pending before the Senate is a Treaty on Mutual Legal Assistance in Criminal Matters with Germany (Treaty Doc. 108–27).

Article 12(1) of the Treaty provides that each party may request that the other party, ''under the conditions prescribed by its domestic law, take the necessary steps for the surveillance of telecommunications.''

I write to request that you confirm that the Treaty does not authorize warrantless surveillance, including any surveillance authorized by the program of surveillance on which you testified before the Committee on the Judiciary on February 6, 2006.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Ranking Minority Member.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington DC, July 3, 2006.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Minority Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: This responds to your letter, dated April 6, 2006, to the Attorney General inquiring whether Article 12(1) of the Treaty on Mutual Legal Assistance in Criminal Matters with Germany would authorize warrantless surveillance, including under the Terrorist Surveillance Program described by the President.

By its terms, Article 12 would provide that ''[e]ach Party may at the request of the other Party, within its possibilities and under the conditions of its domestic law[(1)] take the necessary steps for the surveillance of telecommunications.'' (Emphasis added.). Accordingly, the Treaty would not enlarge existing surveillance authorities.

The Terrorist Surveillance Program is a narrowly focused early warning system, targeting for interception only those international communications for which there is probable cause to believe that at least one of the parties to the communication is a member or agent of al Qaeda or an affiliated terrorist organization. It is a critical intelligence tool for protecting the United States from another catastrophic al Qaeda attack in the midst of an armed conflict. It is not a means of collecting information for foreign criminal investigations.

In sum, the MLAT with Germany would in no way expand current authority under U.S. law to conduct electronic surveillance. We hope this information is helpful. Please do not hesitate to contact this office if we may be of assistance with future matters.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER (Mr. ALLEN). A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein),

The Senate advised and consents to the ratification of the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes (Treaty Doc. 108–27).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, JULY 28, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, July 28. I further ask unanimous consent that following the prayer and pledge, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, today the Senate continued consideration of S. 3711, the gulf coast Energy bill. This morning we filed cloture on the bill, and that cloture vote will occur at 5:30 p.m. on Monday. I encourage Senators to come to the floor on Friday to speak on the Energy bill.

I notified all Senators actually about a week ago that we would be voting for sure next Monday. Although we are doing our best to accommodate Senators, it is a very important vote, and we will be having it at 5:30 p.m. on Monday. I ask Senators to adjust their schedules so they can be here.

ADAM WALSH BILL

Mr. FRIST. Mr. President, I opened my remarks tonight to say there are a lot of issues being considered. Let me in closing mention a great event we had today for a bill that will get a fair amount of attention—but not the attention it deserves—in affecting people's lives in a very direct way. It is called the Adam Walsh bill, named for a little boy, 6 years of age, who died 25 years ago today.

The bill addresses an issue that has been highlighted a lot, most recently on television, that has to do with sexual predators which had been facilitated a lot by the Internet. This bill establishes two registries. One is for sexual predators. Right now there are about 500,000 we know of in this country; 100,000 we don't know where they are. It establishes a registry across the country, a national registry.

In addition, it will develop a child abuse registry which builds on the recommendations and sponsorship initially of a wonderful nonprofit group

that focuses on the tragedy associated with child abuse, but also more constructively and optimistically about what we need to do. That is called Childhelp, stationed in Arizona. Senator KYL is very familiar with it.

One huge disappointment, though, that occurred this week is that we passed another bill 2 days ago, the Child Custody Protection Act, which focuses on a real tragedy that occurs today, and that is young girls taken, not by their parents, across State lines in order to get an abortion without notifying their parents, flouting the law and not notifying their parents or getting the consent of their parents.

We passed that bill overwhelmingly, with 65 votes, on the floor of the Senate. It passed the House of Representatives months ago, and we are ready to go to conference on that particular bill.

It is very important we go to conference to put an end to this tragedy which occurs all too often in this country. We tried to go to conference. The Democrats on the other side specifically rejected our proposal to go to conference. We put forth a unanimous consent request which was denied, and that is a real tragedy.

I will not proffer that unanimous consent request again right now, but we will be doing so over the coming days. The Democrats have made it very clear that they are going to obstruct the regular order of business in going to conference. I am very disappointed, and I think it is absolutely wrong.

ORDER FOR RECESS

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senator SESSIONS for up to 10 minutes.

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

GULF OF MEXICO ENERGY BILL

Mr. SESSIONS. Mr. President, I thank the leader, and I join with him in his excitement in seeing the health care technology bill move. I know how much work he has put into it as a member of the HELP Committee. I have watched that bill for some time, and it would be a tremendous thing. It will save lives and reduce errors. Errors mean people stay in hospitals longer and become disabled more, and many of them die. So reducing errors is a great thing and will help us maintain this fabulous health care system we have, and at the same time, not have costs go through the roof. So I am excited about that also.

Mr. President, I asked the question earlier: What are people objecting to about this Energy bill? We went through the environmental concerns, and I pointed out that we have 4,000 wells which survived some vicious hurricanes, and we haven't had spills. The technology has increased incredibly well. There has not been a significant spill in 26 years, and that one was such that it did not reach the shores of the United States. The last spill that resulted at all from a well impacting the coastal areas was 37 years ago in California, and that ended the drilling off the coast. But we are so much better today. We have so many ways to avoid that, and it is just not happening.

Also, we dealt with the allegation that this is all for big oil companies.

That is exactly wrong.

All of the oil companies will not bid on the lands in the gulf that will be allowed for production under this legislation. Most of them—probably most of them—won't even bid on it. A number will and a number won't. Those who don't bid already have reserves somewhere else, and sizable increases in production of natural gas or oil from the Gulf of Mexico will drive down the value of their reserves. They probably don't even want the oil and gas produced out there, if they already have substantial reserves. That is a bogus argument, the kind that I hope is beyond the Senate. But I hear it is still echoing a bit.

I think some maybe just hate fossil fuels, so they don't want us to have fossil fuels anymore in America. I would like to see us move to nuclear and do some other things, too. Why don't they object to us going down to Venezuela and paying hundreds of millions of dollars to Hugo Chavez for his oil that we bring over here or Saudi Arabia or Iran's oil or Middle Eastern oil in any number of areas or Russian oil and gas. We are not going to stop this. We are going to use oil and gas in America, so why don't we produce it on our lands and keep our money at home.

I would just note that last year, in the balance of payments deficit that we have, the record balance of payments deficit, $200 billion of that deficit was our money we spent in other countries for oil and gas—$200 billion. That is a lot. A big part of our trade deficit is on this one resource. So why in the world wouldn't we want to keep that money at home to produce jobs here, to produce incomes to Americans who will pay taxes to the U.S. Government instead of having to go to these other countries.

Oddly, I just have to note parenthetically that we have done something after many years of battling that is important. In the Energy bill we passed last year, we had some improvements in the law relating to nuclear power. Nuclear power can reduce our demands for natural gas significantly. There was a long battle over a number of years. Senator DOMENICI worked on it hard. We made those changes, we put them in the law, and at that time we had not a single preliminary request for building a nuclear power plant in this country. Since that Energy bill passed, there are now 18 out there—18 preliminary requests—to consider building a nuclear powerplant in America. We haven't built one in 30 years in this country.

What I am saying to the American people who may be listening tonight, and to my colleagues, is that our job is not to help nuclear power companies. Our job is not to help oil companies.

Our job is to try to provide safe and environmentally good energy sources to our people at the lowest possible rate. When the price of gasoline goes up substantially, people who are paying $150 a month for their gasoline now may be paying $225 a month. They may be paying $75 more each month out of their paycheck, money that they want to spend on their children, money they need to repair their vehicle, money they need to pay their rent. People are struggling. We need to be thinking of ways to reduce the cost of energy. Nuclear power is one of those ways.

I have just had a recent meeting with the people at TVA, the Tennessee Valley Authority, created by Government agents, created by Franklin Roosevelt. They are producing nuclear power at about 1.2 cents a kilowatt hour—1.2 cents. Coal is about 1.8 cents. That is 50 percent more expensive. Nuclear power is 50 percent less expensive than coal. And natural gas that is being used quite a bit is about 6 cents—five times as much. So we need more nuclear power and we need to burn a lot less natural gas for electricity and we can burn less coal also because it is not a very clean fuel. We are doing better with coal, but it is still not nearly as clean as nuclear power.

So I say there is a whole host of things we can do to meet the legitimate pleas of our constituents to do something about the high cost of energy.

Natural gas heats a great many homes in America. It provides the energy for all kinds of industrial production. I visited a chemical plant recently. They are exceedingly concerned about the additional costs they have sustained simply as a result of the doubling of the price of natural gas. Trust me. If these wells are producing in the gulf, as will be authorized by this bill, it will significantly impact the price of natural gas in the United States. So that is the kind of approach we are trying to bring to bear on producing more at home.

Then there is one other argument that people have complained about, and that is revenue sharing. They say that States should not get any of the money out of this. We have been trying to expand the gulf drilling for quite a number of years and had no success, really. It is time to get serious about it. I believe we can make a breakthrough this year. We got, now, both Senators from Florida to say they would support this bill. They studied it very carefully, as strongly as Florida is committed to environmental purity along their coast. I respect it, but I am telling you they are very committed to it. They want us to produce our oil and