the poor, the needy, the students, and the veterans who will have less, just to fund MILC. As the Journal Editorial says so well, "Taxpayers have been MILCed enough by this particular boondoggle."

Please do the responsible thing for all Americans by working to put an end to MILC once and for all. Rewarding inefficiency should never be the function of any government program, even when there are surplus funds to spend. Now, when important health care and education programs are being cut or cancelled, MILC should not be allowed to rear its head again.

Sincerely,

MICHELLE PLASARI, President, RetireSafe.
JIM MARTIN, President, 60 Plus Association.

[From the Wall Street Journal, Nov. 14, 2005]

MILKING THE TAXPAYER

It is a sign of just how unmoored from fiscal responsibility the current Congress has become that in the midst of a loud struggle over mostly symbolic budget cuts, the party in power is having trouble even letting dead programs stay dead.

One such program is the Milk Income Loss Contract program—MILC for short, cleverly enough—whose lifespan was its sell-by date at the end of September and expired. The House budget bill does not include its revival. But the Senate version reauthorizes MILC, and in 2002 the president promised Wisconsin voters that he would fight for its extension, so its fate lies with the House-Senate conference that will reconcile the two massive budget bills.

MILC was one product of the 2002 farm-subsidy bill, and even by farm-subsidy standards it is perverse. At its inception, the program was voted into law, Congress asked the Department of Agriculture to study the effects of the various government-support programs on the dairy business. The USDA duly issued its report in August, and for a technical document the report was unequivocal that "there is a basic incompatibility" between MILC and other pre-existing dairy subsidy programs. (The USDA report identifies no fewer than a half-dozen support programs for dairy farmers.)

The conflict is this. One of the oldest programs is the milk price-support program, which dates to the Depression-era Agricultural Adjustment Act. Under that program, the government buys milk when the price falls below a certain level. If that support price is set low enough, it provides some income security to farmers while allowing the market to clear and production to fall to the point where prices can rise again.

Here’s where MILC pours in and clouds the picture. MILC makes direct payments to farmers based on their production whenever the milk price falls below a certain level. What’s more, MILC kicks in at a much higher level than the support program. The effect of this is that production is encouraged by MILC even as prices are falling, which drives the price down toward the support level and prevents the shakeout that the price-support program is intended to allow.

The Agriculture Department found that MILC does in fact artificially depress the price of milk by encouraging overproduction, which is just what you’d expect. Then, through the price-support mechanism, the government winds up buying the milk that MILC encouraged the farmers to produce. Thus, in the Ag Department’s dry bureaucratese: “The price support program and the MILC program provide an example of problems that can be caused by conflicting policy outcomes.”

In short, MILC distorts the market and conflicts directly with other pre-existing subsidy programs. It has also cost close to $2 billion since its inception, nearly twice the $1 billion originally budgeted for it. Letting it expire should have been a no-brainer, not least because dairy farmers still enjoy numerous other forms of government handouts. It was kept alive in the Senate through the exertions of Vermont Democrat Pat Leahy, who isn’t known for helping the GOP agenda. With no GOP Senators in either Vermont or Wisconsin, Republicans don’t even have a political motive for keeping this subsidy alive.

Two billion dollars over three years may be a drop in the fiscal milk-bucket, but Republican lawmakers insist on sunsetting government programs for a reason. Taxpayers have been MILCed enough by this particular boondoggle.

MORNING BUSINESS
Mr. CRAIG. Mr President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

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

Mr. CRAIG. Mr President, 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. SUNUNU. 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. SUNUNU. Mr President, I ask permission to speak in morning business.
The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

PATRIOT ACT REAUTHORIZATION
Mr. SUNUNU. Mr. President, today I come to the floor to speak about the pending reauthorization, extension of the PATRIOT Act, the legislation passed in the wake of the September 11 attacks. This debate is fraught with emotion because we were all outraged at what happened on September 11. Everyone in America and around the world shares a desire to address the threat of global terrorism, to give law enforcement appropriate powers to pursue those terrorists. But we want to make sure in doing so we pass legislation that is in keeping with the principles on which our country was founded—principles of individual liberty and freedom.

Ultimately, this debate about renewal, extending the PATRIOT Act is about police powers, the power that the people, through their elected representatives, give to government, to give to agents of government. Whether it is at the State, local, or Federal level, we give certain police powers to government to give them the power to detain individuals. We give the government power to serve subpoenas, to confiscate records.

We do it because we think ultimately it is in the public interest to do so. But just as the Framers recognized, we need to provide a balance, to balance these very forceful, very powerful tools with personal freedom, civil liberty.

So as a result, we require the government, or government agents, to show cause before they conduct a search. We set standards for evidence in a courtroom. They need to meet certain standards of evidence to conduct a search, certain standards of evidence to detain an individual or a suspect. And, of course, we have the principle of due process, trial by jury, and the ability to have an appeal heard in a court of law.

Some people may say: We know that. These are fundamental. These are basic to our system of justice. But it is important that we are reminded of these basic principles if we are going to get the extension of the PATRIOT Act correct.

This is not a new set of issues. These are the very issues contemplated by the Framers. In many respects, these police powers are the same as those concerned the Framers—and I say alarmed because they were so concerned about the powers of Government and the powers of the State that they wrote specific protections into the Constitution. The federal amendment to the Constitution, the fourth amendment, addresses that unreasonable search and seizure, specifically addresses the threshold of probable cause, that the Government shall show probable cause before it conducts search and seizure of personal property.

The fifth amendment protects us from self-incrimination. We have all seen enough Perry Mason to understand what it means to invoke one’s rights under the fifth amendment. It speaks specifically about the process and the right to an open, fair due process when one is being prosecuted, whether it is for a criminal act or whether we are prosecuting one of these powers of search and seizure, a power of the State to issue a search warrant.

The sixth amendment speaks specifically about a right to a trial and what it means to have one’s case heard before a jury or in a court of law. All of these amendments and others, but these three in particular, speak directly to balancing the rights of individuals and the liberty of individuals with the powers of the State.

The Framers were, quite frankly, very distrustful of Government and the power of the Federal Government. I try to be a little less pessimistic in my work in the Senate, but I must be frank with my colleagues in stating that the PATRIOT Act, I have begun this debate more from a position of mistrust and concern about the work that has been done in preparation for this reauthorization and the position taken by the administration. I will speak at a PATRIOT Act, I have begun this debate more from a position of mistrust and concern about the work that has been done in preparation for this reauthorization and the position taken by the administration. I will speak at a
we had terrific leadership by Senator Specter on these issues. He understands this balance probably as well as anyone in the Senate. I do not fault his work as a chairman and certainly not the work of the Senate as a whole, given that we had incorporated a number of provisions into our legislation.

The Justice Department began this process well over a year ago, taking the position that we should make all the provisions of the PATRIOT Act permanent. And they would not make any changes, we did not need to, we did not need to make any changes. This is legislation that was passed just 6 weeks after September 11. I would not say it was passed in haste, but it was passed during a very difficult and emotional time in our country’s history. We had sunset provisions in 16 provisions in the PATRIOT Act for just that reason. We knew there was a lot of uncertainty as to how this war on terrorism would progress, what tools law enforcement really would need. So we pursued legitimate terrorist suspects, what we needed to do to get our hands around financial records or other financial transactions that might lead investigators to uncover terrorist cells in America or around the world.

Anyone who understands the legislative process knows that was not a perfect bill, no matter how hard people worked on it. To suggest that when it came time for reauthorization there would be no need for changes suggests a lack of understanding of the process of Congress, the legislative process, and how things get put together on Capitol Hill, or lack of understanding about the substance in the bill, not understanding all the provisions in the bill and how they did in some cases unnecessarily infringe on civil liberties, or perhaps an arrogance that leadership, those who were responsible for providing leadership within the Justice Department, knew they were pursuing legitimate terrorist suspects, that the system of judicial review for this law so no changes needed to be made. I will speak to that argument shortly, but I think it is very unfortunate.

So when one has this kind of legislation, as sweeping in scope as this is, and suggests when it comes time to deal with these sunset provisions that no changes need to be made, I think shows a lack of substantive reflection on the balance between the police powers of the State I spoke about and civil liberties on the other hand.

Two years ago, I joined with a number of my colleagues in introducing the SAFE Act: Senators DURBIN, SALAZAR, and FEINGOLD on the Democratic side, Senators GRAHAM, MURkowski, and myself on the Republican side. We spoke specifically to a few provisions in the PATRIOT Act where we thought we could do a better job of protecting civil liberties.

The 215 section that allows the subpoena of business or library records, the national security letter provision—the national security letter is a sweep-

ing order issued without the approval of a judge that gives investigators access to financial data, to medical data, or to other transaction records; the roving wiretap provision that is necessary because we have new communication technologies that are more mobile; the business records provision still need to do a good job of specifying who the target is of that roving wiretap; delayed search warrants—again, sometimes there is going to be a need for conducting a search warrant before notifying the target. The investigation is not jeopardized. But we should have specific provisions written in the law for notifying that target after a certain period of time. As it was written, there was no period specified for notification.

Of course, the idea of sunsets is important to civil liberties anytime one is dealing with law enforcement legislation, because a sunset calls on Congress to come back, look at how a law has been implemented, how it affected civil liberties, and make appropriate changes.

I ask unanimous consent to speak for an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection. I add to that consent that I would then follow the distinguished Senator from New Hampshire on the same subject.

Mr. SUNUNU. I so modify my request.

Mr. ALEXANDER. Reserving the right to object, I ask unanimous consent to follow the distinguished Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. We introduced the SAFE Act to deal with very specific areas where we thought the PATRIOT Act needed to be improved to better protect civil liberties. Some would argue that with the PATRIOT Act, as it has been rewritten, the conference agreement, that there were only a few areas now where there is a disagreement and so we ought to accept it as it is. I make a broad argument, though, that simply because we are conducting shortcuts on civil liberties in only a few areas is simply not an effective argument. I think where civil liberties are concerned, as I illustrated with the Framers’ concerns, we ought to do everything in our power to make sure proper protection is provided.

A few key points about the weaknesses that remain in the PATRIOT Act, and with these weaknesses I will not be able to support the final conference report. I certainly will not support moving forward with the conference report, in part because I think these are substantive problems but also because they are problems that should be easily addressed so that the final conference agreement. The first deals with the business and libraries provision, section 215. In section 215 we have established a very broad standard, too broad a standard, for investigators to get access to sensitive records—whether it is at a business or a library; it makes no difference. The standard is that the records simply be shown as relevant to an investigation. That does not reflect a legal standard that means records could be subpoenaed that have no direct connection to a particular suspect.

As a result, the records of many innocent Americans could be subpoenaed, a permanent automatic gag order that prevents you from discussing the fact that this order has been issued to you as an individual or your business, and there is no judicial review of that gag order. I think this is a fundamental flaw in this conference agreement.

As a result, we introduced the SAFE Act to deal with very specific problems in the PATRIOT Act and how it affected civil liberties, and make appropriate changes.

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a court of law, but set the standard of evidence or the standard for overturning an egregious decision so high that the government always wins. That is simply not acceptable where American civil liberties are concerned.

Frankly, it is one of the arguments posed or made to individuals, such as Senator LEAHY or Senator FEINGOLD or me, who have brought forward these objections. One argument is what I would describe as a very broad argument, that we need to extend the PATRIOT Act, we need to fight terrorism, we need to make sure we don’t undermine the ability of law enforcement in their work to deal with terrorist threats. I agree. Senator LEAHY—I will take the opportunity to speak for my colleague from Vermont. He agrees we need to do all of these things. But that is not a substantive argument for not making these changes he and I support. We are all for fighting terrorism. We are all for extending the PATRIOT Act. I do not oppose the idea of subpoenaing business records or even library records or the idea of a national security letter. What I oppose is having such a powerful government force in place without countervailing protections for civil liberties.

A second argument is one I mentioned earlier: for the Justice Department to say we have not abused any provisions in the current PATRIOT Act so just extend them all as written. It doesn’t matter to me whether it is a Democratic administration or Republican administration, the argument that you have not abused a poorly written law is no argument at all for extending and making permanent that poorly written law. If it does not protect civil liberties, we should modify it. We should make sure the protections are there so that no matter who holds the reins of power, in the executive or legislative or the judicial branches of Government, those freedoms continue to be protected.

A third argument is if we do not move forward, if this bill fails to get a cloture vote this week and it goes back to conference, it will only get worse. Let me get this straight. If you vote against a bill that doesn’t adequately protect civil liberties, we are going to take it back to conference and compromise civil liberties even further? I think that is a very dangerous argument to make. I think there are some people who are making it, or who have made it, who do not intend it to be taken that way. But I think it is only fair to ask whether it is a real argument. I think making these changes is reasonable. They are fair.

I have joined with Senator LEAHY in introducing a 3-month extension of the existing PATRIOT Act to ensure that we have plenty of time, in a reasonable change, to make very modest changes that would go a long way toward ensuring this is a better bill, that it is a bill that we can be proud of, and a bill that will protect civil liberties.

I yield the floor.

THE PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, first, if I might, I wish to compliment my colleagues across the Connecticut River, Senator SUNUNU of New Hampshire. He has laid out very clearly and eloquently the reasons we should not be rushed into a bad bill. It is not because any of us here have any love of terrorists. Of course none of us do; no Americans do.

On a September morning 4 years ago, nearly 3,000 lives, American lives, were lost—not in a foreign nation but on our own soil. Our lives as Americans changed. There is not a single American who does not remember exactly where he or she was when they heard the news of the attacks of 9/11. In the aftermath of those attacks, Congress moved swiftly to pass anti-terror legislation. We moved as a Congress, as a Senate, as a House—not as Republicans or as Democrats, but as Americans, united in our efforts. The fires were still smoldering at Ground Zero in New York City when the USA PATRIOT Act became law on October 29, 2001, just 6 weeks after the attacks.

I know how hard we worked. I was chairman of the Senate Judiciary Committee at the time. Many of us here in the Senate today worked together in that spirit of bipartisan unity. We resolved to craft a bill that would make us safer as a nation.

Freedom and security are always in tension in our society, especially so in those somber weeks after the attacks. We tried our best to strike the right balance between freedom and security.

The Senator from New Hampshire quoted Benjamin Franklin. As one reads the history of the founding of this Nation and what the Founders went through, his quote stands out so much. Benjamin Franklin, like the other Founders, knew that had our new country not worked, had the Revolution not worked, neither would we have been hanged for trying to break away from our mother country. When he spoke of a people who would give up their liberties for security deserving neither, he knew of what he spoke. And he set a key idea for the fledgling democracy of America, that I like to think through the generations we have strengthened. During my years in the Senate, I have done everything possible to strengthen that balance to maintain our liberties because if we do not maintain our liberties, at the best we have a false security. It is not a real security.

One of the fruits of the bipartisan-ship of the PATRIOT Act, in trying to work out this balance, was the sunset provisions. Those key provisions set an expiration date of December 31, 2005, on certain Government powers that had great potential to affect the civil liberties of the American people. We are just weeks away from that date now.

I don’t need to wonder how these sunset provisions worked their way into the PATRIOT Act. They were put there by the Republican leader of the House, Dick Armey of Texas, and myself. We have entirely different political philosophies, but we agreed on one thing: If you are giving great powers to our Government, you want to make sure there are some strings attached. It makes no difference whether it is a Republican administration or a Democratic administration, you want to make sure there are strings attached. Leader Armey and I insisted on these sunsets to ensure that Congress would revisit the PATRIOT Act within a few years and consider refinements to protect the civil liberties of all Americans more effectively, and we prevailed on that point.

Sadly, the administration and some in the leadership in the House and Senate have squandered key opportunities to improve the PATRIOT Act. The House-Senate conference report filed last week by Republican lawmakers falls short of what the American people expect and deserve from us. The bipartisan Senate bill, which the Senate Judiciary Committee and the Senate adopted unanimously, struck a better balance.

If I might, I wish to compliment the chairman of the Senate Judiciary Committee, Senator ARLEN SPECTER, the senior Senator from Pennsylvania, and those Republicans and Democrats in this body who worked with him, as I did, to put together a fair and balanced bill which was able to go through our committee, which is sometimes heavily divided on issues. Instead, the House went to conference and the Senate Committee unanimously and passed the Senate unanimously. We worked together on that because we understand that the
reauthorization of the PATRIOT Act has to have the confidence of the American people.

Think for a moment. Governments can limit the rights of the people in their countries really in only two ways: by force of arms, by oppression and repression, as we have seen with totalitarian governments, or, if they have done it right, they can do it with the consent of the governed.

As we are limiting some of these rights, as we are giving greater powers to our Government, we want to do it in a way where the American people—all of the nearly 300 million people in this great country—would have confidence in what we have done, because we do not enforce our laws in this country by force of arms, by dictatorship; we do it with the consent of the governed.

I believe what we passed in the Senate all but on Thursday the Senate Committee would have the confidence of the American people. But now we have pushed forward and changed that to flawed legislation which will not have that confidence and respect of the American people. The Congress is not, rush not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right. America can do better than this flawed legislation.

The way forward to a sensible, workable, bipartisan bill is clear. It is very clear, as Senator SUNUNU said on the floor earlier this morning and as I have suggested, yesterday, Senator SUNUNU and I introduced a bill to extend the sunset for the expiring PATRIOT Act powers until March 31, 2006. Give us until March 31 to get this right, give us until March 31 to have a bill that would have confidence of the American people but especially the confidence of the American people. Our laws work if we have confidence in them, and they fail if we do not have confidence in them.

In the interim, the bill, Senator SUNUNU and I have been joined by Senators CRAIG, ROCKEFELLER, MURkowski, KENNedy, HAGEL, LEVIN, DURbin, STABENOW, SALAZAR, and others. It is a bipartisan effort to extend this deadline, a deadline which Congress imposed to ensure oversight and accountability should not now become a barrier to achieving bipartisan compromise and the best bill we can forge together.

This is a vital debate. It should be. These are vital issues to all Americans. If a brief extension is needed to produce a better bill that would better serve all of our citizen then by all means do that ourselves that house. We want to give tools to prosecutors. I spent 8 years of my life as a prosecutor. Some of the finest people on my staff are former prosecutors. We know the needs, especially in the electronic age. But we can do better, and America can do better if given the time.

I thank Senator SUNUNU and all of our cosponsors in coming together in a bipartisan way to advance what is a commonsense solution.

I ask unanimous consent to have printed in the RECORD some recent editorials on this matter.

The bill’s objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 12, 2005]

A BETTER PATRIOT ACT

The conference report on the USA Patriot Act reauthorization bill contains one major improvement over the House version and a few minor ones. The new bill contains strong ‘sunset’ provisions, under which the three most controversial provisions would lapse again after four years of the earlier draft. This is no small win for civil liberties. The sunset provisions in the original Patriot Act have given Congress leverage over the past few years to extract information from an administration not known for openness concerning its use of the powers Congress gave it. Insisting that the administra- tion justify itself again relatively soon ensures that Congress will be able to adjust and refine the law as need be.

Yet the conference report remains far from perfect. A bipartisan group of senators is still objecting that it does too little to protect civil liberties, and they are threatening to filibuster the bill, not clear whether they have the votes to sustain one. Some of the changes they are seeking are reasonable and constructive. While the bill does not principally change the worst aspects of the House version, which was larded with irrelevant and often terrible policy changes, it still has a fair number of extraneous sections. Some are silly, unnecessary; others further diminish the threshold for justifying the need to examine private records, including medical, financial and employment. And they are not persuaded—nor are we—that requiring authorities to show that their investigation has some relevance to an anti-terror investigation is enough.

These secret searches should be limited to specific targets, to stop illegal wiretapping, to stop illegal national security cases to obtain records of certain business transactions. These problems are not unsolvable, and it’s hard to believe the govern- ment will be able to show through these secret searches will be sufficient to stop illegal wiretapping. What’s more, if the bill and you’ll find provisions dealing with tobacco smuggling, establishing civil immunity for foreigners who don’t have firefighting equipment to fire department burn victims who now live in trailer parks and other damages that would be forbidden were they written more accountability.

What’s more, the bill and you’ll find provisions dealing with tobacco smuggling, establishing civil immunity for foreign who don’t have firefighting equipment to fire department burn victims who now live in trailer parks and other damages that would be forbidden were they written more accountability.

The Patriot Act cannot be allowed to lapse at year’s end, and the current bill is much improved over earlier versions. But it could still be a lot better. Precisely because the administration cannot—and will not—once these powers expire, further improvement should still be possible.

[From the Fresno Bee, Dec. 12, 2005]

TAKE THE TIME

FRESNO, CA.—Barring an unlikely successful filibuster, the USA Patriot Act is likely to pass, renewed this week in the form it was given in 2001. That’s when Congress, in the wake of the Sept. 11 terrorist attacks, rushed to give law enforcement agencies even more powers of investigation. That’s still justified up to a point. Law enforcement and intelligence agencies should not be hamstringing, for instance, by a now-lapsed ban on sharing informa- tion. But it’s risky to give blanket authority to government agencies to bypass the courts, as this law partly does. It’s too tempting to look into everyone’s nook and cranny just to be sure there isn’t something amiss there.

Former Gov. PAtrick Leahy, a House-Senate conference committee agreed on compromise language that congressional negotiators say will include more protection for individuals. But not all six senators—three republicans and three democrats—still oppose the measure? (One of them, Sensenbrenner, is having trouble. Getting the votes to vote against the original law—is threatening to filibuster the revised version on the Senate floor.)

One of the principal objects of these laws is to make it easier for law enforcement and intelligence agencies to catch terrorists. That’s true. But there’s a way to avoid undue haste without tying the hands of law enforcement: Adop- support of the revised law say action is necessary now because provisions of the original act are set to expire Dec. 31. That’s true. But there’s a way to avoid undue haste without tying the hands of law enforcement: Adopt a proposal by Sen. Patrick Leahy, ranking Democrat on the Senate Judiciary Com- mittee, to extend the law for three months, allowing time for public debate on a law that could make it easier to harm individuals as we try to catch terrorists.

The compromise bill would make all but two of the 16 expiring provisions permanent. The other two are to be extended for only four years, rather than the 10 years sought by House Republicans. That’s small comfort to those whose privacy will be at risk in the meantime. Americans would be no less safe if Congress were to postpone a final vote and allow time for an open and honest debate.

December 13, 2005 CONGRESSIONAL RECORD — SENATE S13465

MORE TIME NEEDED TO FORK BETTER BILL

KANSAS CITY, MO.—A shaken Congress passed the Patriot Act late Wednesday night in the "wary" debate in the wake of the 2001 terrorist attack.

[From the Kansas City Star, Dec. 12, 2005]
Since then politicians across the spectrum have joined librarians, city councils and other groups in raising alarms about the law’s intrusions on the privacy of American citizens.

With the act set to expire Dec. 31, lawmakers are scrambling to reach a compromise that would allow most of the provisions to expire temporarily. Time is short, but it’s essential for Congress to give Americans a better balance between national security and civil liberty.

The House and Senate this week will consider a compromise agreement reached by negotiators. The package makes a good-faith attempt to address some of the problems. But it may give law enforcement agencies too much leeway to search people’s homes and examine their records without first obtaining permission from judges.

Provisions in the proposed law instruct judges to presume federal agents’ requests for records are valid, unless the targeted people can prove the government acted in bad faith. That places citizens at a serious disadvantage. Judicial oversight doesn’t mean much if the judges merely serve as rubber stamps for law enforcement agencies.

The supposed advantage is that the law eliminates agencies too long and links to search people’s homes and examine their records.

Former Attorney General John Ashcroft used to sneer and scoff at librarians who raised alarms about the Patriot Act, saying they were rare. But The Washington Post reported in October that the FBI used the Patriot Act to gather information on thousands of Americans without notifying them or allowing them the opportunity to challenge the searches.

Sen. Patrick Leahy, D-Vt., who refused to support the compromise, suggested a reasonable solution: Rather than rush the vote, extend the current act for three months and use the extra time to forge a better bill. “We owe it to the American people to think it through,” he said.

Sen. Leahy says it’s a debt that should not be taken lightly.

[From the Sacramento Bee, Dec. 11, 2005]

PATRIOT ACT RENEWAL: TAKE TIME TO DO IT RIGHT

SACRAMENTO, CA.—Barring an unlikely successful filibuster, the USA Patriot Act is likely to be renewed this week, mostly in the form it was given in 2001. That’s when Congress, in the wake of the 9/11 terrorist attacks, rushed to give law enforcement broader powers of investigation. That’s still justified up to a point. Law enforcement and intelligence agencies should not be hamstrung, for instance, by a now-lapsed ban on sharing information.

But it’s always risky to give blanket authority to government agencies to bypass the courts, as this law partly does. It’s too tempting to look into innocent people and just to be sure there isn’t something amiss there.

After lengthy debate behind closed doors, a House-Senate conference committee agreed on compromise language that congressional negotiators say will include more protection for individuals. But if that’s true, why do six senators—three Republicans, still oppose the measure? (One of them—Democrat Russ Feingold of Wisconsin, the only senator to vote against the original law—is threatening to filibuster the revised version on the Senate floor.)

The principal objection of these lawmakers, and of civil libertarians, is that the law sets too low a threshold for justifying the need to examine private records, including medical, financial and employment records. And they are not persuaded—nor are we—that requiring authorities to show that their investigations are necessary to prevent serious harm to national security will prevent the abuse of power by government agencies acting under the surveillance powers of the Patriot Act.

Fortunately, a bipartisan group of six senators—vowing to filibuster the accord, which is scheduled to be voted upon this week—spearheaded a compromise reached by Senate-Senate conference committee agreement on compromise language that congressional negotiators say will include more protection for individuals. But if that’s true, why do six senators—three Republicans—still oppose the measure? One of them—Democrat Russ Feingold of Wisconsin, the only senator to vote against the original law—is threatening to filibuster the revised version on the Senate floor.

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have just scorched both Congress and the White House for failing to protect the country in a variety of ways, including the misallocation of resources to states or localities based less on risk than on political clout.

Americans would be no less safe if Congress were to postpone a final vote and allow time for an open and honest debate.

[From the Brattleboro Reformer, Dec. 10, 2005]

REPEALING PATRIOTISM

BRATTLEBORO, VT — At some future date, when sanity perhaps returns to our nation, historians will look back at the Patriot Act and put it in the same category as other assaults on liberties, such as John Adams’ Alien and Sedition Act, Abraham Lincoln’s suspension of habeas corpus during the Civil War or Franklin Roosevelt’s internment of Japanese-Americans during World War II.

On Oct. 26, 2001, President Bush signed the Uniting and Strengthening America by Proving Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act. The House of Representatives passed this grab bag of police-state tactics by a 396-21 vote. The Senate, with only Senator Paul V. McNulty (D-Md.) and Senator Tom Harkin (D-Iowa) dissenting, approved it, 99-0.

Wisconsin Democrat Russ Feingold was the only senator to vote no. At the time, Feingold called the Patriot Act a “truly breathtaking exercise of police power.” A fearful Congress was stampeded into approving, almost sight unseen, one of the broadest assaults on civil liberties in our nation’s history.

Despite asserted court challenges, the expansion of police power continues—an expansion which has done little to capture the masterminds of the Sept. 11 attacks or to prevent future attacks. But this expansion has done much to undermine our hard-won Constitutional rights.

What has happened to our legal rights since then? Here’s a refresher:

You’ve lost your freedom of association. The federal government can now monitor the doings of religious and political organizations, even if there’s no reason to suspect that illegal activity is going on.

You’ve lost your freedom from unreasonable searches. Federal government can now search and seize your papers and effects without probable cause and without a court warrant. It can also question librarians and bookstore reading habits and threaten them with jail if they reveal to anyone that you’re being investigated.

You’ve lost your right to a speedy and public trial. The federal government can now jail you indefinitely without you being charged with a crime and can do so without holding a trial and without allowing you to confront your accusers. This is what you can expect if you are deemed to be a “terrorist” or are deemed to be “assisting a terrorist group.” The definition of “terrorist” and “terrorist group” is purely up to the government, of course.

You’ve lost your right to legal representation. Conversations between attorneys and clients can now be monitored in federal prisons. That is, if you’re fortunate enough to have an attorney. The federal government now has the right to deny you legal representation.

In short, the federal government can arrest virtually anyone it deems to be a danger to national security, even without a formal criminal charge, hold them indefinitely. It can deny you a lawyer or even a trial, public or secret. And all of this can happen without your family or friends and relatives ever knowing what has happened.

This is what the so-called war on terrorism has done to our Constitutional rights. This is why the current debate in Congress over extending the provisions of the Patriot Act is important.

To keep the Patriot Act as it is means more secrecy, more misinformation and more repression. It is quite frankly, un-American. It is behavior straight out of a totalitarian state; tactics not worthy of the world’s greatest democracy.

The average American thinks he or she is safe. But history has shown us that when a regime has absolute power, it’s only a matter of time before anyone and anything is subject to official intimidation and attack.

Security and “fighting terrorism” are not suitable pretexts for destroying more than two centuries of jurisprudence. The rule of law as enshrined in the Constitution is supposed to still mean something in America.

It’s time to demand that Congress and the Bush administration respect our civil liberties. There shouldn’t be a discussion to modify or extend the Patriot Act.

Instead, Congress should be working to repeal it.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Tennessee for his willingness to allow me to go forward at this time. I know he has been sitting here patiently. I thank him, and I yield the remainder of time.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. Thank you, Mr. President.

IMMIGRATION

Mr. ALEXANDER. Mr. President, the majority leader has said that after the first of the year we would turn our attention to immigration, and well we should. Some estimates show that 10 to 20 million people living in the United States may be here illegally. Whatever one may think about immigration, one of the most important of those debates, one may think about immigration, and well we welcome the 572,000 foreign workers and those we welcome to study here. We should remember who we are. This is a nation of immigrants.

And those whom we welcome to work here and those whom we welcome to study here.

The problem we need to address and the principles is the rule of law. This is a country that respects our civil liberties. And all of us should be working to ensure that the 572,000 foreign workers and those whom we welcome to study here are working in our country.

My fellow immigrants.

Mr. ALEXANDER. We should remember who we are. We should remember who we are. This is a nation of immigrants. President Franklin D. Roosevelt began one of his speeches into 1943, 12-14 by saying:

The average American thinks he or she is secure in his or her home, and especially those who become the citizens of a new country; their very lives depend on their ability to integrate into British society and demonstrate loyalty to their newly adopted homeland.

France is similarly facing a period of self-examination on integrating immigrants and the children of immigrants following the 2-week violent civil unrest that spread across many of France’s poor suburbs last month. That violence resulted in 126 policemen being injured, 9,000 cars burned, and $250 million in damages, according to the French Government.

These teenagers feel alienated and discriminated against both socially and economically. They don’t want to assert their differences. They want to be considered 100 percent French.

We should learn a lesson from our friends across the ocean. As we in the Senate begin to debate our immigration policy next month in the Senate, we would be wise to consider their quandary. Too often discussions on immigration reform begin and end with security. To secure the border, our legislative solution is step No. 1, but there are two additional, essential steps to any comprehensive solution to our immigration problems.

Step No. 2, once we have secured our borders, is to create a lawful status for those whom we welcome to work here and those we welcome to study here. We should remember who we are. This is a nation of immigrants. President Franklin D. Roosevelt began one of his addresses, “My fellow immigrants.”

We should secure the border, then we deal with the rule of law problem. We need then to remember step No. 2, which is that we have millions of people whom we welcome to work here in all aspects of our society. They need a legal status that respects our rule of law. We welcome the 572,000 foreign students who come here to study. We hope many of them stay here. They are helping to create a higher standard of living for us. If they go home they become ambassadors for American values.

The American way of life. Dr. Steven Chu, an American who was the co-winner of the 1997 Nobel prize in physics, pointed out to me that 60 percent of Americans...