The ENFORCE Act will direct a high security, state-of-the-art fence to be built along our southern border to prevent illegal border crossings. This fence will actually consist of two fences separated by a patrol road, with security towers and surveillance cameras. While the initial cost to build the fence is considered high by some, I firmly believe it will result in savings in the long run by preventing illegal border crossings and eliminating the cost of apprehending, detaining and deporting illegal aliens.

The ENFORCE Act will also make it illegal to establish day-laborer centers and to assist illegal aliens in finding employment, much like the sites that are set to be built for illegal aliens in Fairfax County, VA.

Earlier this year, the Fairfax County’s Board of Supervisors voted unanimously to provide $400,000 in taxpayer funds to be used to build three day laborer sites for illegal aliens in finding employment. It makes no sense to not only ignore the large numbers of illegal aliens gathering in one place, but to enable them to continue to break the law by working in the U.S. and encourage others, such as employers, to break the law by helping illegals obtain jobs.

Another problem we face is educating illegal aliens. Some states, such as Oklahoma, allow illegal aliens to receive in-state tuition at colleges and universities. This is a slap in the face to out-of-state students who must pay higher tuition than illegal aliens who have broken the law and do not even belong in our country. My bill will address this problem so that illegal aliens will not be able to receive this benefit.

I would like to conclude by sharing a personal story regarding illegal aliens who commit crimes in the United States and then flee across the border to Mexico.

Last May, my friend’s son, Jeff Garrett, was tragically shot by an illegal alien while Jeff was turkey hunting in Colorado. After he shot Jeff, the illegal alien while Jeff was turkey hunting in Colorado. After he shot Jeff, the illegal alien while Jeff was turkey hunting in Colorado. After he shot Jeff, the illegal alien who committed this crime, remains at large.

I know this story is just one among many about innocent Americans murdered each year by illegal aliens who then find safe harbor in Mexico.

I believe the ENFORCE Act will not only help prevent these criminals from coming across our borders, but is a good start to ending our rampant problem of illegal immigration in general.

I ask my colleagues to join me in solving our immigration problem by cosponsoring the ENFORCE Act.
voted out of committee; voting out of committee asbestos reform. People said that could not be done. It is going to be the first item on the agenda next year.

It was apparent to me that we needed to have a discussion about how we passed the bill. One Senator said on the floor yesterday in announcing that the Senator was going to vote against clout—he had been a cosponsor of the bill, but in the absence of this bipartisan support there was too much public confusion. The public is not only the only citizenry that is watching the proceedings. The public is not only the only citizenry that is watching the proceedings, but we are described the bill this way: it is balanced. It is nice to be the hero, but you have to take stock of the bill.

When the debate started earlier this week, I invited all Members to come to the floor to state what their concerns were. I called many Members to reach out to those I knew could use some elaboration and also discussion for their benefit, and then from the floor repeatedly urged my colleagues to come to the floor, raise their concerns, let us have a discussion. Perhaps we can satisfy their concerns. If not, we can describe the bill and explain it so the people and the Senators will understand it.

I do not think we have been successful in conveying to the public at large, and perhaps not even to the Senators, what this bill really provides. In this morning's editorial and also yesterday's prominent newspapers in the United States, they described the bill this way: ...the bill gives the government far too much power to issue “national security letters,” demanding private financial, medical and library records, without the permission or oversight of a judge.

The writer of this editorial does not understand the basic tenets of the bill. The writer of this editorial is mixing up section 215, which provides for obtaining records—library records, medical records—with national security letters. The bill is explicit in giving judicial review.

At the present time, an agent can go out and, unilaterally, on the agent's own authority, get library records or medical records. One of the principal safeguards in the PATRIOT Act, as passed by the Senate and as maintained by the conference report, has been the magistrate, the judge, in between the policeman and the citizen, to see to it that law enforcement does not overstep its bounds; that law enforcement could get access on a showing of reason to do so, but there is judicial supervision there.

One of the other most prominent newspapers in the country published a story about 30,000 national security letters being issued, which is false. I cannot tell you what the facts are because it is classified. I have tried to get the Department of Justice to come forward and say what the facts are. But repeatedly on the floor of the Senate we heard this quotation: 30,000 national security letters—which is absolutely false. I beg my colleagues not to base their votes on what they read in the newspapers but to get a briefing, find out what the facts are. Senators can find that out in a classified briefing, but do not rely upon the assertions in the newspapers. The assertion in today's editorial, which is just wrong as it describes what the act is.

On the floor of the Senate yesterday there were references to hometown newspapers saying it is tough. Newspapers don't vote. Senators vote. Jefferson made one of history's great statements in saying if he had to choose between government without newspapers or newspapers without government, he would choose newspapers without government. We do not have to make that choice. We have both newspapers and government. And render under Caesar—this is wrong. Let me explain to Senator. Let us consider what they have to say, but do not rely upon the assertions in newspapers. Let's not act on wrong information. It is up to Senators to hang tough. We don't have to take instructions from the newspapers, as we heard yesterday, urging their United States senators to hang tough. They don't vote. We vote.

A big, tough problem here has been to acquaint people with what this bill does provide. I am confident, if that has occurred sufficiently, that this bill will be the most important bill that we pass the Senate.

I have been on the Judiciary Committee during my entire tenure in the Senate and have demonstrated a strong record to protect civil liberties on legislation which has come through the committee to the floor and in the confirmation process. Nobody has a stronger record in this body than I do. I will take second place to no one. There are many equals here. Many in this body, I would say all in this body, are concerned about civil liberties. But there is no mathematical equation where it can be established, as to the balance between law enforcement and the balance as to civil liberties. If you take a look at the specifics of the legislation, that balance has been achieved. It may not be as good a balance as the Specter-Leahy bill, which passed the Senate unanimously and without dissenting voice here, but it has balance.

I have already commented about section 215. There is judicial supervision. And, on national security letters, they were not created with the PATRIOT Act, but we took the occasion of the PATRIOT Act to put in safeguards on national security letters, which are in existence. If the PATRIOT Act goes out of existence, you will not have section 215 to get certain records by law enforcement, but the national security letters are still there. But we took this occasion to provide for judicial review. The recipient may consult a lawyer, on who moves to quash the national security letters if it is unreasonable. It may not be everything that everybody wants, but in legislation and the art of the possible, you don't get everything that everybody wants.

Then you have the delayed notice warrants. A delayed notice warrant means that the judge has examined the situation and has given special permission that the law enforcement officials do not have to notify the target when the search and seizure warrant is executed.

Ordinarily, if there is a search and seizure warrant, the law enforcement officers go to the premise or an office and it is known to the target, but where there are reasons to keep it secret because the disclosure would impede an investigation, our laws have permitted for decades a delayed notice warrant.

Then the concern was, How long should there be before notice is given? The Senate bill had 7 days, the House bill had 30 days. The Fourth Circuit Court of Appeals said that presumptively 45 days would be adequate.

The delayed notice requirement is illusory. One of the virtues of the PATRIOT Act is that you have something in perfection. But when the Senate established a 7-day notice requirement, we knew we were going to meet in a negotiating session, and I thought 30 days was a tremendous achievement for prompt notification. The House came down 150 days, from 180 to 30, and we went up by 23 days.

Then there is the provision of the roving wiretaps which has been tightly written. I explained in greater detail yesterday and earlier this week—twice. There has to be a description of the individual who has been intercepted, and there has to be a showing, to have a roving wiretap, that the person is going to resist the wiretap.

Then you have what is perhaps as important as any provision—I wouldn't say the most important, they are all important, but as important as any provision...The House voted sunset, the Senate said 4 years is what it ought to be, and the House was insistent on compromising in between at 7 years, and we held fast at 4 years. It had been my expectation with good reason to believe that some Democrats would sign the conference report if it came in at 4 years. It required assistance from the White House, and the President was personally involved in the 4-year decision—not to the satisfaction of the House conference, but we got that done.

If you take a look at the specifics, if you don't get your facts from the newspapers but instead get your facts from the CONGRESSIONAL RECORD, if you get your facts from your staff, you have a much better understanding of the PATRIOT Act and on other acts citing the editorials and how pervasive, albeit subtle, that influence is.
I have only been chairman of the committee for less than a year, but I have come to see the vicissitudes of leadership. You don't have the freedom to be the dissenter, to stand up and articulate your own views and to accept nothing short of what ARLEN SPECTER has done. If going to vote, I have done that a few times when I have had greater freedom, but if you are the chairman of the committee, you have to carve out consensus.

In the case where the conference report on November 18, 2005—to the dissatisfaction of many people—but waiting until December to sign it, that was an effort to gain more negotiations and to try to satisfy more people. My job was to get a consensus, to work through what is the art of the possible, to get a bill.

The six Senators who opposed the bill issued their press releases not before the ink was dry on the conference report but before the ink was finished on the report. When I went to the press galleries on December 8, 2005 to announce the conference report, before I got there the dissenters had already issued their press releases. They weren't waiting to see what the conference report said. They didn't issue their objections before the ink was dry; they issued their objections before the ink was finished. And you can do that if you are a dissenter and if you are an objecter. But if you are the chairman and you have the obligation to pull the parties together—and when I signed the report on December 6, 2005 I still couldn't get some members of my committee to sign the report. They thought it went too far.

The President has taken the position that this conference report goes as far as he is going to go. I am advised that he issued a statement earlier today that he will not sign a 3-month extension. The majority leader said yesterday that he would not bring up a 3-month extension. There may be ways to get it on the floor in any event. You can't amend the conference report.

If I am given instructions in my capacity as chairman to go back and negotiate, I will salute and go back and negotiate and try to work through whatever circumstances require. But where the President has said he is not going to sign a 3-month extension, if he means business, and I think he does, then if you have the obligation to pull the parties together—and if I signed the report on December 6, 2005 I still couldn't get some members of my committee to sign the report, they thought it went too far.

How to balance security with liberty is also very real in America. Frankly, we are more secure. Frankly, we are more liberty. I care deeply about the liberty of the American people. We all do. No one should doubt that those who vote for the Senate bill, or reach to the bipartisan compromise we reached, pass the Senate bill, or reach a new bipartisan compromise.

Our goal is to mend the PATRIOT Act, not to end it. None of us want it to expire. Those who threaten to let it expire rather than fix it are playing a dangerous game. This is a debate about reconciling two shared and fundamental goals—assuring the safety of the American people and protecting their liberties, creating a balance that keeps the Government, their Government, our Government, accountable.

America can do better. And we should. Those goals are not the goals of any particular party or ideology. They are shared American goals.

How to balance security with liberty and Government accountability was the most fundamental dilemma with which the Framers of our Constitution wrestled. How to adjust that balance with the post-September 11 world is the most fundamental dilemma before this Congress. No one should doubt those who vote for cloture on the conference report care deeply about the liberty of the American people. We all do. No one should doubt that those who vote against cloture are devoted to protecting both the security and liberty of the American people. We all care deeply.

However, let us have a Government of checks and balances. In the long run, we are more secure. Our liberties are more secure. Frankly, we are more American in doing that.

The PRESIDING OFFICER. Senator from Nevada.

MILK REGULATORY EQUITY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed