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 determined to be the way. 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 that sense, when 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 conference report. When I went to the press galleries on December 8, 2005 the ink was dry on the conference report. 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 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 the Senate and you have the obligation to pull the parties together—and when I signed the report on December 6, 2005 I still could’t get some members of my committee to sign the report. They thought it went too far.

The Presiding Officer. Eight minutes forty seconds.

Mr. SPECKER. I yield the floor.

The Presiding Officer. The Senator from Vermont.

Mr. LEAHY. Mr. President, before I start, with the distinguished senior Senator from Pennsylvania, I totally appreciate what he said about the problems of being the leader on a committee and having to make the decisions of how you are going to get a bill through.

I was chairman of the committee when we put through the first PATRIOT Act. I remember the balancing act we went through at that time and how difficult it was to get a bill through. And that PATRIOT Act is this PATRIOT Act. It contains a number of items that I wrote. I also note that throughout, the chairman and I have maintained very close contact. We have spoken several times. I have considered during my 31 years in the Senate that one of the things which has given me the greatest sense of satisfaction is the relationship the distinguished chairman and I have in getting things through, and we have. I am concerned because we have come so close on this.

As Senator SALAZAR noted, yesterday was the anniversary of the adoption of the Bill of Rights of the Constitution. Yesterday we engaged in debate seeking to protect and reserve those rights under the USA PATRIOT Act. I thank Senators SUNUNU, FEINSTEIN, CRAIG, WYDEN, FEINGOLD, SALAZAR, and OBAMA for their thoughtful remarks, their willingness to work in a bipartisan way which, after all, is the best tradition of the Senate.

Let all Members understand, this is a vital debate. The terrorist threat to America’s security is very real. It is vital we arm the Government with the tools needed to protect American society and security.

At the same time, the threat to American liberties is also very real in America today. I do read the papers. Today’s New York Times reports that over the past 3 years, under a secret order signed by President Bush, the Government has been monitoring international phone calls and international e-mail messages of people inside the United States—with no court approval, no checks and balances, one person’s signature and that is it. This warrantless eavesdropping program is not authorized by the PATRIOT Act. It is not authorized by any act of Congress, and it is not overseen by any court.

According to the report, it is being conducted under a secret Presidential order based on secret legal opinions by which the President or his lawyers, the same ones who argued secretly that the President could order the use of torture.

It is time to have some checks and balances in this country. We are a democracy. Let’s have checks and balances, not secret orders and secret courts and secret torture.

The debate is not about whether the Government should have the tools it needs to protect the American people. Of course it should. That is why, as I say, I coauthored the PATRIOT Act 4 years ago. That is why the act passed with such broad bipartisan support. When I voted for that PATRIOT Act, I did not think it was an ideal piece of legislation. I knew it would need careful oversight, but I was in favor of most of the PATRIOT Act. I am in favor of most of the PATRIOT Act today.

The debate is not whether the bill should suddenly expire. Of course it should not. That is why Senators from both parties have offered a bill to extend it in its present form for 3 months in order to give us time to either return 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. Liberty is a system of checks and balances that keeps the Government, their Government, our Government, accountable.

America can do better. And we should. Those goals are 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.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed
to the consideration of S. 2120 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2120) to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 2120) was read the third time and passed, as follows:

S. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Milk Regulatory Equity Act of 2005”.

SEC. 2. MILK REGULATORY EQUITY.

(a) MINIMUM MILK PRICES FOR HANDLERS: EXEMPTION.—Section 8c(6) of the Agricultural Marketing Agreement Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new subparagraphs:

"(M) MINIMUM MILK PRICES FOR HANDLERS.—

"(1) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located or any other order class price if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

"(ii) COVERED MILK HANDLERS.—Except as provided in clause (i), a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

"(A) possesses a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect as of the date of the enactment of this subparagraph),

"(B) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

"(C) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for such dispositions or sales.

(b) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—Section 8c(11) of the Agriculture Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following new subparagraph:

"(D) In the case of milk and its products, no county or other political subdivision of the State of Nevada shall be within the marketing area definition of any order issued under this section.

(c) RECORDS AND FACILITY REQUIREMENTS.—Notwithstanding any other provision of this section, or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that—

(1) possesses a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect as of the date of the enactment of this paragraph),

(2) has a handler responsibility for records or facilities with attention to fiscal discipline and the best use of taxpayer dollars. This bill represents an effort to most efficiently and effectively use the tax code to assist in the rebuilding and revitalization of those communities with attention to fiscal discipline and the best use of taxpayer dollars.

(d) EFFECTIVE DATE AND IMPLEMENTATION.—The amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of the enactment of this Act. To accomplish the expedited implementation of these amendments, effective on the date of the enactment of this Act, the Secretary of Agriculture shall include in the pool distributing plant provisions of each Federal milk marketing order issued under subparagraph (B) of section 8c(10) of the Agriculture Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, a provision that a handler described in subparagraph (M) of such section, as added by subsection (a) of this section, will be fully regulated by the milk marketing order in which the distributing plant is located. These amendments shall not be subject to a referendum under section 8c(19) of such Act (7 U.S.C. 608c(19)).

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 328, H.R. 4440. The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain other affected areas of the country devastated by Hurricane Katrina, and for other purposes.

As promised, we have made our best effort to carry out our compassion for the communities with attention to fiscal discipline and the best use of taxpayer dollars. This bill represents an effort to most efficiently and effectively use the tax code to assist in the rebuilding and revitalization of those communities with attention to fiscal discipline and the best use of taxpayer dollars. This bill represents an effort to most efficiently and effectively use the tax code to assist in the rebuilding and revitalization of those communities with attention to fiscal discipline and the best use of taxpayer dollars.

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