

you turn them over to them, do you still have privacy rights if they were to read them? Certainly not. So the law has developed many years in this fashion. You have an expectation of privacy in those areas of your life where you have control—the inside of your automobile, the trunk of your car, the glove compartment of your car, your desk at your office, any part of your house, your garage, an outbuilding around your house that you have exclusive control over. Those are areas over which you have exclusive control, and you have an expectation of privacy. People cannot go into those places and seize anything you have there without probable cause or else it would be an unreasonable search and seizure.

But if you go to a motel and fill out a motel receipt and give it to the motel operator, it is not yours. It is the motel's document, it is a business record. If you go to a bank and you open an account and they keep all kinds of records of that account, they are the bank's records, not yours. Every person in that bank has access to those documents and records. If you make a telephone call, the words you use are yours, and you have an expectation of privacy between you and the person who receives the call. But the fact that you make a telephone call and the telephone company prints out a billing statement that has telephone numbers on it, that is available to anybody who works in the telephone company. That is not your record, it is their record. So you do not have the same privacy expectations, that is all.

The court has always understood that. This has never been in dispute. Every district attorney in America, all kinds of law enforcement officers, State and Federal, through subpoenas, without court approval, have been able to obtain those kinds of documents if the documents are relevant to an investigation they are undertaking.

I received telephone toll records in drug cases I prosecuted. These kinds of records could be relevant in a terrorist case, make no mistake about it. You check the telephone numbers they call, and they are calling a certain number in New York City. Maybe you have records from another person, and they are calling that same number at various times of the day, and maybe right before a terrorist attack occurred or right after an attack occurred, phone calls are going back and forth. That is real evidence of who may be involved in a terrorist cell or criminal drug enterprise. That is how investigators work every day. That is what juries expect to see when cases are prosecuted. To have this great fear that there is something in this act that in a significant way alters those classical powers of investigators to find out those who may be trying to kill us—it is just not true. It is an exaggeration. It is a concern that is not real.

This PATRIOT Act is about to expire. It would be an abdication of our

responsibility as the Senate not to move this bill forward before the end of the year. Let's move it now. If we need to stay over the weekend, I am willing to do so. We can stay next week; I am willing to do so. It is important that we not allow this legislation to fail. I encourage the leaders on both sides to work toward achieving that goal.

TRIBUTE TO WILLIAM SMITH

Mr. SESSIONS. Mr. President, I wish to take a personal minute to share some thoughts and to bid farewell to my chief counsel on the Judiciary Committee, William Smith, who is sitting beside me. I know the Presiding Officer, the Senator from Georgia, knows Mr. Smith and admires him. He has been a great friend and a tremendous asset to this Senate. He will be returning to Alabama to practice at one of our State's most outstanding and prestigious law firms, Starnes & Atchison. Even more importantly, he will return to Alabama, accompanied by his soon-to-be bride, Diamond, to whom he will be married in early January.

But I am going to feel a great loss. The things he has done for me are innumerable, including helping us to prepare and pass this great act, the PATRIOT Act. Each day we have worked together, William has shown an unwavering dedication to his State, to his country, to me, and to the values we share. His passion for the law is unmatched, and his commitment to the rule of law is unwavering. I trust his judgment, and I have relied on him to manage our staff and our issues, confident that his work ethic and his ideals are beyond reproach.

Before joining the Senate, William had a distinguished legal career, having served as staff attorney on the Alabama Supreme Court and having taught at both Duke University School of Law and the University of Southern California School of Law.

In 2001, he moved to Washington, DC, to be my deputy chief counsel on the Subcommittee on Administrative Oversight and the Courts. He became my chief counsel the following year.

When William leaves the Senate at the end of this session, he will begin a practice focusing primarily on medical malpractice defense and commercial litigation. I have no doubt he will do well in this next venture of his life, and I have no doubt his principled approach, work ethic, and dedication are going to be difficult for this Senate to replace.

It is obvious my loss will be the State's gain. His presence in Washington was all our gain. William's work on the Senate Judiciary Committee is almost legendary. The Judiciary Committee takes an enormous number and wide variety of complex and sometimes controversial issues. It is one of the most demanding committees in the Senate.

To be successful as an attorney on that committee, you must not only be

hard working and intelligent, but a public servant who routinely works long hours. You must also be a tough negotiator, able to frame your arguments in a strong but respectful and intellectually honest way. William does all of this with seemingly effortless skill.

Evidence of William's dedication to and influence on the committee and its staff can most clearly be seen by simply looking at what his colleagues say about him.

Ed Haden, my former chief counsel of the Courts Subcommittee and currently a lawyer with Balch & Bingham in Birmingham, says:

William Smith is an example of a man who walks his principles. He is a Christian who lives it. He is a conservative who means it. He is a friend who is there for you. In a legislative body that fosters compromise, he will compromise on details, but not on his principle. How fortunate the United States Senate, the Judiciary Committee, and all of us who have worked for Senator SESSIONS have been to know and love this man.

Rita Lari Jochum, chief counsel for Senator GRASSLEY, says this:

William Smith is a smart lawyer, a shrewd strategist, a dedicated public servant, and an all around great guy. He sticks to his principles and values, and has been a rock solid role model for many of us. The Senate will miss a much respected colleague, and I will miss a true friend. Even though he will no longer be walking the halls of the Capitol, he will not be forgotten.

Stephen Higgins, chief counsel of the Judiciary Subcommittee on Terrorism, Technology and Homeland Security, chaired by Senator JON KYL, says this:

William Smith has an incredible love for this country and a great passion for his job. He is a devoted public servant and a forceful advocate for Senator Sessions.

Mary Chesser, chief counsel of the Judiciary Subcommittee on Corrections and Rehabilitation, chaired by Senator TOM COBURN, says this:

William is a great American, leader, mentor, and friend. His diligent work on the committee constantly inspires his colleagues. I feel honored to have worked with him. He has always represented Senator Sessions and the people of Alabama with impeccable character, wisdom, and insight. He will be missed.

Chip Roy, senior counsel for the Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship, chaired by Senator JOHN CORNYN, says this:

William Smith has served the U.S. Senate admirably and with conviction. He personifies conservatism and the simple idea that there ought to be a limit to what we do here in Washington. While many staffers and members alike, Democrat and Republican, seem to succumb to the misguided notion that more government is better, William stands solidly on his strongly held belief that this simply is not the case. I will miss his strong sense of patriotism and his strong Christian faith, each of which serve as an example for all.

James Galyean, chief counsel on the Judiciary Subcommittee on Crime and Drugs, chaired by Senator LINDSEY GRAHAM, says this:

William Smith is a man of sterling character, devout faith, and unwavering integrity. Senator Sessions, Alabama, and the Nation have been well served during his time on the Committee. And while his presence and influence will be missed, we look forward to great things from him in the future.

And indeed we do.

Ajit Pai, chief counsel on the Judiciary Subcommittee on the Constitution and Civil Rights, chaired by Senator SAM BROWNBACK, says this:

William Smith is a tenacious advocate, a firm defender of principle, and an expert on the many rules of this institution. To me and others fortunate to know him well, he is also known as a good man and a great friend. He leaves the Judiciary Committee with a solid professional and personal record, and I wish him all the best as he makes a well-deserved return home.

Amy Blankenship, legislative counsel to Senator SAM BROWNBACK, says this:

Perhaps William's greatest gift is teaching. He exemplifies the kind of staffer we all want to be—thorough, prepared, and committed. Though some may disagree with his views, no one can question his commitment to uphold the principles he believes in.

The respect, loyalty, and friendship William has won from his colleagues extend well beyond the Senate Judiciary Committee and its staff.

Alan Hanson, my legislative director, says this:

Exceeding his commitment to the United States and its Constitution, which is indeed great, William Smith is a committed Christian and friend—both of which are in far too short supply in this day and age. His happy departure is the United States Senate's unfortunate loss.

Steven Duffield of the Senate Republican Policy Committee says this:

William is a real American who loves his country and cherishes the Constitution. He never hesitates to stick his neck out to defend both.

Allen Hicks, chief counsel for Senate Majority Leader BILL FRIST, says:

William is an anchor for conservative principles in the midst of shifting political winds. In leadership, we could count on him to represent views on issues clearly and articulately, without hesitation or equivocation. The Senate will miss his candor and his passion, and we wish him and his future bride all the best.

Ed Corrigan, executive director of the Senate Steering Committee, says this:

William Smith is known on Capitol Hill for his wisdom, cheerful banter, and an unflinching commitment to principle. Even his political adversaries have come to respect and admire him. The Senate will miss William, as will the countless number of us who are fortunate to call him friend.

John Abegg, legal counsel for Majority Whip MITCH MCCONNELL, whom I see on the floor, said:

I have enjoyed working with William very much. William is a man of high principle. He is devoted to the Constitution and to his country. He is an excellent lawyer, a straight shooter, and a real leader. He will be missed.

Mr. MCCONNELL. Mr. President, will the Senator from Alabama yield?

Mr. SESSIONS. I will be pleased to yield.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be allowed to make an observation rather than ask a question.

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

Mr. MCCONNELL. Mr. President, William has many friends in the Senate, both Senate staffers and Members of the Senate. I was listening to my friend from Alabama discuss William's distinguished career on my television monitor, and I decided to come over and make an observation, if it is appropriate.

I remember running into William one time. I said:

What is your principal duty with Senator Sessions?

He said:

Well, it's to keep him from drifting off to the left.

I say to our friend William: You have done a good job of keeping Senator SESSIONS from drifting off to the left. You have had a distinguished run here in the U.S. Senate, and I am sure I am not the only Member of the Senate who hopes we will see you again in public service some day. I wish you well in your new endeavor.

Mr. President, I yield the floor.

Mr. SESSIONS. I thank the Senator from Kentucky for his remarks. So many of the Senators whom I have talked to feel the same way. Many have come by, Chairman SPECTER, Senator DOMENICI, and others to speak to William.

He will be here a few more weeks, but we will be out most of that time so this is probably our last time to get together.

Let me keep reading what William's colleagues have told me about him.

Wendy Fleming, legislative counsel to Senator DAVID VITTER, says this:

William Smith is truly a great American. He has a tremendous respect for the Constitution and the courage to stand-up for his core values. It was an honor to work for him.

William Henderson, counsel for Senator JIM BUNNING, says this:

Three of the things Americans cherish the most are God, country, and family. That is as true for William as anyone. Every day he lives his Christian faith. He works with a love of this country and defends the Constitution. Now he is leaving to start a family. William has been a great friend and teacher to me, and I am better for knowing him.

Chris Jaarda, legislative assistant for Senator JOHN ENSIGN, says this:

Every American should know the name William Smith and the character that he possesses while working on their behalf. His commitment to principle and respect for the rule of law, is unquestioned. Were William your lawyer, you would be served by a skilled advocate, committed to the highest standard of ethics and professionalism. Were William your judge, you would observe someone with the utmost respect for the Constitution and our laws. Were William your friend, as he is mine and countless others who serve in the Senate, you would be blessed; better for knowing him.

Chad Groover, counsel to Senator CHUCK GRASSLEY, says this:

William and I came to the Senate Judiciary Committee the same day, April 16, 2001. From that day on, William has been a close friend, mentor, and encourager. His strong Christian faith and unwavering commitment to conservative principles have been an example to me. The American people are truly better off because of William's service. He took to heart the adage that "the government is best that governs least" and, consequently, never let a bad bill go unchallenged. William represents the best there is in public service. I'll miss working with him on the Judiciary Committee, but I know that in Alabama he will continue to serve his Country and his Savior with the utmost distinction and fervor.

Drew Ryan, director of Government Affairs for The American Center for Law and Justice, says this:

William Smith is a man of character, a man of vision, and best of all, a man strong in his faith.

Tim Chapman, senior congressional liaison and national political writer for Townhall.com, says this:

William Smith's steadfast adherence to conservative principle has been an inspiration to me both personally and professionally. He is a man of character who our organization could always count on to put principle ahead of politics. His absence from the United States Senate and from the Judiciary Committee in particular, will not to without notice.

It is clear that William has influenced a great number of his colleagues and leaves behind a committed group of friends dedicated to advancing this great Republic's founding principles of federalism, liberty, and democracy. He will undoubtedly be missed by them, as he will be missed by me. He has served me and our State faithfully and tirelessly and in doing so has served our great Nation immeasurably.

Let me say I am already looking forward to working with him again after he goes back to the great State of Alabama. I have no doubt that he will continue to work toward the greater cause of service to his fellow man.

William, we appreciate you. No one has given more to this country. From the time you get up in the morning until the time you go to bed at night, you are committed to doing the right thing for this country. I love you for it. Your friends love you for it. God bless you in your future endeavors.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been recognized. I notice that Senator HARKIN is in the Chamber. How much time would the Senator like?

Mr. HARKIN. About 15 minutes.

Mr. DOMENICI. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, does the Senator from Alaska have a question? I understand it is her time to take the chair and preside. I ask the Senator if there is something this Senator from New Mexico could do for her? What is going on?

Ms. MURKOWSKI. Through the Chair, to the Senator from New Mexico, I have about a 3-minute statement.

If I could have the indulgence of doing that before I serve as the Presiding Officer, I would appreciate that from the Senator.

Mr. DOMENICI. Obviously, we have to get consent because I am next.

I ask unanimous consent that Senator MURKOWSKI be given 3 minutes at this point and then the Senator from New Mexico be recognized for up to 10 minutes, followed by Senator HARKIN. Is that correct, the Senator wants to be next after the Senator from New Mexico?

Mr. HARKIN. Yes.

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

Mr. DOMENICI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

RURAL TEACHER HOUSING ACT OF 2005

Ms. MURKOWSKI. Mr. President, I appreciate the indulgence of my colleagues this afternoon.

I rise today to talk about a bill that I introduced last week that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska. This bill is the Rural Teacher Housing Act of 2005.

In rural areas of Alaska, we have school districts that face enormous challenges of recruiting and retaining teachers, administrators, and other school staff. The challenges lie primarily in the lack of housing. In one particular year, in the Lower Kuskokwim School District in western Alaska, they hired one teacher for every six who decided not to accept job offers. Half of those applicants who did not accept a teaching position in that district indicated that their decision was related to the lack of housing. When we talk about lack of housing, it is not they cannot find an apartment that is to their suiting or to their liking, the fact of the matter is there is no housing available.

In 2003, I had the opportunity to travel through rural Alaska with then-Secretary of Education Rod Paige. I took him there because I wanted him to see the challenges of educating children in such a remote and rural environment. We went to the village school in Savoonga. We met the principal there. Secretary Paige was overwhelmed when the principal showed him the broom closet in the school, not to show him the school supplies but to let him know that this is where the principal of the school lived, in the broom closet in the school. This was because there was no housing in Savoonga for the teachers.

We met the special education teacher at the school, and she brought out the mattress that she sleeps on in her classroom every night. She does not have a home to go to. She does not have a space to call her own. Her classroom is her room, her house, her bed.

The other teachers at the school shared housing in a single home.

When one thinks about that in terms of what the teachers do, needless to say there is no place for their spouse, so these teachers who are married—the teachers might be married, but the spouse might be living in another part of the State or, in the principal's case, his wife lived out of State.

Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska. Rural Alaska school districts experience a high rate of teacher turnover due primarily to the lack of housing. Turnover is as high as 30 percent each year in some of the rural areas with housing issues being a major factor.

So the question is, How can we expect our kids to receive a quality education when we cannot get good teachers to stay? How can we meet the mandates of No Child Left Behind in such an educational environment?

Clearly, the lack of teacher housing in rural Alaska is an issue that must be addressed in order to ensure that children in the rural parts of the State receive the same level of education as their peers in more urban settings.

My bill authorizes the Department of Housing and Urban Development to provide teacher housing funds to the Alaska Housing Finance Corporation, which is the State of Alaska's public housing agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teaching housing projects. This legislation will allow the school districts in rural Alaska to address the housing shortage in the following ways: They can construct housing units, purchase housing units, lease housing units, rehabilitate, purchase or lease property on which the units can be constructed. They can repay loans secured for teacher housing projects and conduct other activities normally related to the construction, purchase, and rehabilitation of the teacher housing projects.

This also includes transporting construction equipment and materials to and from the communities in which these projects occur, which in the State is a particular concern because most of these communities are accessible only by air or water. Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staffs, and members of their households. It is imperative that we address this important issue and allow the disbursement of funds to be handled at the State level. The quality of the education of our rural students is at stake.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

SENATE MAJORITY LEADER

Mr. DOMENICI. Mr. President, I rise to congratulate the majority leader of the Senate, BILL FRIST. I do not do this because he is my good friend but because I want to make sure that we all understand that we have had an exceptionally productive legislative year. I thank him especially for his critical help in passing legislation in areas where I have been primarily responsible. In addition to that, I want to summarize the things that have been done this year under his leadership.

The reason I came to talk about this is because there is such an overwhelming, high-octane negativism in the air that one would hardly know the Senate was at work. There is so much politics going on that one would wonder whether the Senate is even functioning. Even on the floor there is an awful lot of polarization that has occurred. I do not say this in any real accusatory sense. It is true.

In spite of that, in his own way, the majority leader has very quietly and with very mature feelings and inordinate ability grasped details of legislation and has contributed immensely to a success story.

I would like to start by talking about matters that this Senator has particularly been involved in. We were able to pass in this body an Energy Policy Act. We have been working at that for almost a decade, but for the last 3 years we have tried each year and failed. This year, we got it done.

Obviously, something was done differently. That is, we attempted to create a bipartisan bill in the committee under my chairmanship, with the help of Senator BINGAMAN, and the majority leader, as leader in the Senate, should take great pride in that accomplishment, and we should as a Senate.

In addition, as it pertains to things the Senator from New Mexico works on, we sent to the President for his signature an appropriations bill that is called Energy and Water appropriations. That bill contained hundreds of millions of dollars that go to the storm-ravaged gulf coast. It is there to continue critical projects that are already started and moving along. They are projects that are needed. They are not part of the great concern about how much may be spent or should not be spent. These are public works projects in that four-State area that are important. I think that is very good.

In that bill, the nuclear armament programs of the United States went through to the President of the United States and also some very important nuclear nonproliferation activities.

In addition, the Energy and Natural Resources Committee was part of a reconciliation bill—let us call that the deficit reduction bill—that passed. The occupant of the chair in the committee that we served on contributed a piece of that. For the first time, we sent in such a bill for the start-up of the Alaska National Wildlife Refuge activity