

FBI Director, Deputy Director, or Executive Assistant Director for National Security before the government can seek library records, medical records, or other sensitive documents; (5) the enhanced reporting to Congress on the use of Section 215, including specific information concerning requests for the most sensitive documents; (6) the requirement that 215 orders can compel the production only of those tangible things that could be obtained under a grand jury subpoena or other orders issued by federal courts; and (7) the inclusion of a four-year sunset provision to guarantee that Congress will revisit Section 215 at a later time.

The major difference between the Senate bill and the conference report with respect to Section 215 is that the conference report authorizes the FISA court in certain narrow circumstances to issue a Section 215 order upon a showing of relevance to an already authorized terrorism investigation without a demonstration that the person's records being requested is a known terrorist or acting on behalf of a foreign power. The relevance standard will apply only in extraordinary circumstances because the conference report is set up so as to channel all applications for orders under Section 215 into the three categories the Senate established in its reauthorization bill. By establishing three circumstances to demonstrate relevance when the government shows a connection to a suspected terrorist or spy, the bill ensures that requests falling outside the three categories will be the exception and not the rule. Thus, the Senate bill's three-part test remains a substantial safeguard in the conference report.

Law enforcement will face an uphill battle in any effort to obtain a 215 order that does not fall into one of the three categories and thereby provides an incentive for the FBI to use the tool only when it can show a connection to a suspected terrorist or spy. This provision was deemed necessary because the Department of Justice was able, in a classified setting, to demonstrate that circumstances may exist in which an individual may not be known to a foreign power or be a recognized terrorist but may nevertheless be crucial to an authorized terrorism investigation.

NATIONAL SECURITY LETTERS

The conference report also makes important changes to the laws governing National Security Letters (NSLs), which the FBI has used for several decades to request communications records and financial information from third parties in intelligence and terrorism cases. First and foremost, the conference report makes explicit the right of NSL recipients to ask a court to set aside the requirement to turn over information as well as the requirement to keep the request for information confidential. This is in stark contrast to current law, which affords no such explicit right. Second, in a protection analogous to one provided for Section 215, the conference report requires the Justice Department's Inspector General to audit the FBI's use of NSLs. Finally, the conference report significantly enhances reporting to Congress and requires an annual public report on the FBI's use of NSLs. These reporting requirements enable both Congress, and the public, to ensure that NSLs are not being abused.

SECTION 213: DELAYED-NOTICE WARRANTS

The conference report has retained the important protections from the Senate bill's amendments to Section 213 of the PATRIOT Act, which authorizes warrants allowing the government to wait a number of days after the search before notifying the target. The conference report requires that a target be notified within 30 days of the search, unless the facts of the case justify a later date. Al-

though this period is longer than the 7-day time limit from the Senate bill, it is considerably shorter than the 180 days permitted in the House bill and is a significant improvement over the original PATRIOT Act, which imposes no limits on the period of delay beyond what is "reasonable." And, like the Senate bill, the conference report permits extensions of the delay period only upon an updated showing of the need for further delay. As in the Senate bill, these extensions are limited to 90 days, unless the facts justify a longer delay. Finally, and again like the Senate bill, the conference report requires public reporting of all delayed notice warrants.

SECTION 206: MULTIPPOINT WIRETAP ORDERS

Many, including myself, have discussed the need for changes to Section 206 of the PATRIOT Act, which authorizes multipoint or "roving" wiretap orders. I think the conference report successfully meets that need. The ability of the Justice Department to obtain multipoint wiretaps is in part a result of changes in communications technology that have made the use of cell phones ubiquitous. Terrorists have taken advantage of those changes to cover their tracks by using multiple phones.

Borrowing elements from both the House and Senate bills, the conference report limits the use of roving wiretaps to those cases in which the FBI includes in its application a "specific" description of the target and "specific facts in the application" that show the target's actions may thwart surveillance efforts. Further, the conference report adopts the Senate bill's requirement that the FBI notify the court within 10 days of moving its surveillance of a target from one telephone number to another. As an additional safeguard, the conference report requires that the FBI report periodically to Congress on its use of the roving wiretap authority. Finally, like the Senate bill, the conference report includes a four-year sunset for Section 206 so that Congress will revisit this provision in the near future. I believe these important modifications will go far in preventing abuse of this provision.

Much of the criticism has really involved complaints about the current PATRIOT Act without understanding the improvements in the conference report. Numerous hearings have determined that the PATRIOT Act has not been subject to abuse. But in order to promote public confidence, the conference report includes significant changes that will enhance oversight by the Congress, the judiciary and the public at large. The conference report represents a balanced compromise designed to maintain our ability to investigate—and hopefully preempt—terrorist attacks, while ensuring that the rights enshrined in our Constitution are not violated.

Very truly yours,

ARLEN SPECTER.

Mr. SPECTER. The schedule which is currently anticipated is that the House of Representatives will take up this bill and vote on Wednesday and the Senate will take up a motion to proceed to vote on Wednesday. There is talk of a filibuster. Whatever Senators choose to exercise whatever rights they have, we will see, but I thought it would be useful in talking to a number of colleagues today, the request was made to see something in the CONGRESSIONAL RECORD which goes into some detail in hitting the hot spots, but I add to my colleagues who may be listening or staffers of my colleagues who may be listening or who may read this in the CONGRESSIONAL RECORD which

will be in print today, my staff and I are ready, willing, and able to elaborate further on the substance of the conference report. This report has been the subject of negotiations between the House and Senate for weeks and has consumed all of last week.

I thank the staffs on both the House and the Senate for extraordinarily diligent work, working around the clock. This was a full-time venture for me, personally, and other Members for the past many days. We have moved ahead because this bill expires on December 31. For those who want to reargue it and relitigate it and reconsider it, it will not get any better. If we go back to conference, were that course to be followed, there are a lot of limitations in the wings that could be added. With only that one provision about the conclusive presumption having been an issue, and it having been in the Senate bill which, again I repeat, we were misinformed about and the vast improvements on the issues we have mentioned, it is a bill that ought to be accepted so we can move on.

We have a very heavy schedule in the Judiciary Committee. When we return in early January before the Senate goes into session, we have the confirmation hearings of Judge Alito for the Supreme Court scheduled on the 9th of January. We then have scheduled as the first item of legislative business asbestos reform when we go back into session on the 23rd. The first item of legislative business will be available on January 24. Then we have the issue of immigration reform, which is very high on the agenda. We have backing up the matter of reporters' privilege or reporters' shield and a long list of items of other confirmation proceedings to take up the time of the Judiciary Committee.

I invite my colleagues' careful consideration, and I repeat the availability of staff and myself personally to answer any questions or make any elaborations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HUMAN RIGHTS DAY

Mr. COLEMAN. Mr. President, in recognition of Human Rights Day on December 10, I rise to pay tribute to some of the bravest human rights advocates in this hemisphere Cubans who have dared to raise their voices to protest a regime they rightfully see as anti-democratic and harshly repressive.

Cuba is the only country in the Western Hemisphere that has not held democratic elections in recent decades. Fidel Castro has served as dictator for

over four decades, and his regime does not permit free speech or free enterprise. What is particularly reprehensible is the treatment Castro doles out to those who desire freedom on the island.

This week, the EU will present its Sakharov Prize for Freedom of Thought to the Ladies in White, the mothers and wives of Cuban political prisoners who hold peaceful demonstrations each Sunday to protest the imprisonment of their husbands and sons, some for more than 20 years, for political reasons. I extend my congratulations to these worthy award recipients and to the Sakharov Prize selection committee for their continuing attention to Cuba.

Three years ago, the same prize was awarded to Oswaldo Payá, organizer of the Varela Project, which seeks a referendum on open elections, freedom of speech, freedom for political prisoners, and free enterprise. Despite the imprisonment of more than 50 organizers and continuous government harassment, the Varela Project continues to gather more signatures. To date, more than 35,000 ordinary Cubans have signed the petition at great personal risk and joined a historic national grassroots movement. Mr. Payá also continues to work with other dissidents to plan for Cuba's transition to democracy. I have met with Mr. Payá and found him to be an extraordinary individual.

All this is happening in a context of increasing demands for freedom by the Cuban people. This year's edition of the report entitled "Steps to Freedom" by the Miami-based Directorio chronicled 1,805 acts of nonviolent civil protest and 1,371 vigils for the freedom of political prisoners throughout Cuba, including one major conference on May 20. This represents a significant increase since the first such report in 1997, which found only 44 acts of civil protest, all of which were limited to Havana only. The increasing courage of the Cuban people to stand up for their human rights is all the more remarkable since it is happening in the midst of continuing arrests and "actos de repudio" organized by the Castro government.

In 2003, I traveled to Cuba with an open mind about U.S. trade and travel policy. During my trip I was touched by the stories I heard of people imprisoned for such "crimes" as opening a library, belonging to an independent trade union, or being members of Doctors Without Borders. Since that trip, I have come to believe that supporting those who are working for freedom is the single most important policy we can espouse toward Cuba.

Democracy in Cuba is not something the United States can or should impose. What we can do is support the efforts of the Cuban people to achieve their God-given right to live in a free society. On this Human Rights Day, I salute the Ladies in White, Mr. Payá, and all the other Cubans working for human rights and freedom in their country.

WORLD AIDS DAY

Mrs. FEINSTEIN. Mr. President, I rise today, on World AIDS Day, to remember the 20 million people who have died as a result of the largest pandemic in human history and with the hope that the 40 million people worldwide who are currently living in the shadow of this devastating illness will not be added to the list of lives lost.

The human immunodeficiency virus, HIV, is a certain and silent killer, decimating entire generations, crippling continents, and orphaning as many children as the populations of Los Angeles, Chicago, and New York City combined.

While scientific advances promise new hope for so many, we are still far from winning the war on this deadly virus much more must be done.

AIDS was first identified in the United States in Los Angeles in 1981.

In that year, as mayor of San Francisco, I allocated \$180,000 for the treatment of this disease. By the time I left the mayor's office in 1988, funds allocated for AIDS programs in San Francisco had grown to over \$20 million, more than that of the Federal Government. At that time, the crisis had exploded. AIDS cases reported in the United States had ballooned exponentially from 189 in 1981 to a staggering 32,311.

Today, there are over 1 million Americans living with HIV, and the damage this disease continues to inflict across the globe is shocking.

Worldwide, some 40 million people are living with HIV; 95 percent of those 40 million reside in developing nations. Tragically, only 12 percent of those infected are able to access the antiretroviral drugs needed to significantly extend and improve the quality of their lives.

It costs an estimated \$300 per person per year to purchase the drugs to treat someone with HIV in the developing world, which is less than one dollar per day. As Americans, it is imperative that we acknowledge the AIDS crisis and its causes both globally and locally but our current efforts are simply not enough.

Sub-Saharan Africa, for example, accounts for only 10 percent of the global population but is home to 60 to 70 percent of the worlds reported cases of HIV. Those infected in the region comprise some 25 million of the 40 million people worldwide stricken with the disease.

In Botswana, a staggering 39 percent of the entire population is HIV positive, and the average life expectancy for a baby born in 2010 will be 27 years a figure not seen since the end of the 19th century.

Although some countries have been remarkably proactive in preventing the spread of the virus, HIV remains rampant in others. In most countries, women are disproportionately affected by HIV, in some African nations outnumbering men by more than a 3 to 1 margin.

Sadly, our plight in America continues as well. New advances in antiretroviral drugs show promise in helping many, but AIDS remains an incurable, fatal disease. Especially disconcerting in this country are the disproportionate numbers of minorities and gay men contracting HIV.

African-American women comprise some 72 percent all women diagnosed with HIV in the United States. While African Americans make up only 12 percent of the American population, they account for about 40 percent of AIDS cases diagnosed since the pandemic began.

Perhaps most disturbing, a recent study revealed that 46 percent of Black gay men tested were HIV positive, and of those tested, two-thirds were unaware of their status.

In my home State of California, 45 percent of Los Angeles nursing homes reported that they would not provide treatment for an HIV-positive patient, and one-third of the city's OBGYNs would refuse to treat a mother with HIV.

As a Senator representing the State with the second-highest cumulative number of persons living with AIDS in the United States, I have taken a proactive approach to securing funding for those who so desperately need help battling this disease by consistently supporting increased funding and reauthorization of the Ryan White CARE Act.

I have been a cosponsor of the Early Treatment for HIV Act since the 107th Congress, legislation that would ensure low-income HIV patients receive access to antiretroviral drugs from Medicaid before their immune systems are crippled by the disease.

Additionally, I have been a cosponsor of the Microbicide Development Act since the 107th Congress, a bill to expand, intensify, and coordinate research and development of microbicides to prevent the transmission of HIV and other sexually transmitted diseases. Today's prevention options such as condoms and mutual monogamy are not feasible for millions of people around the world, especially women. Many women lack the social or economic power to insist their partners use condoms. Microbicides are user-controlled products in the form of gels, creams, or films that kill or inactivate the bacteria and viruses that cause HIV/AIDS and other sexually transmitted diseases and their use empowers women to protect themselves from contracting this disease.

To combat AIDS in the developing world, I cosponsored the Kennedy-Feinstein-Feingold Amendment to Help Fight HIV/AIDS, urging developing countries to use compulsory licensing to greatly increase the amount of safe, generic drugs made available to HIV/AIDS patients.

I also authored an amendment to strike language requiring that one-third of funding from the President's Global HIV/AIDS initiative go to "abstinence until marriage" programs to