

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.

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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 our civil 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 Providing 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 357-66 vote with almost no debate.

Wisconsin Democrat Russ Feingold was the only senator to vote no. At the time, Feingold called the Patriot Act a "truly breath-taking expansion 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 assorted 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. The federal government may search and seize your papers and effects without probable cause and without a court warrant. It can also question librarians and booksellers about your 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 too.

In short, the federal government can arrest virtually anyone it deems to be a danger to national security, even without a formal criminal charge, and jail 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 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 disinformation 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 everyone is subject to official intimidation and attack.

Security and "fighting terrorism" are not suitable pretexts for destroying more than two centuries of American 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 has to start with the idea that our Nation is based on a few principles, and one of the most important of those principles is the rule of law. This is a problem we need to address and the American people have a right to demand we address. The buck stops here. This is not something Governors can deal with or school districts can deal with. It stops here.

Not long ago in Nashville I gave a speech in which I attempted to say I believe there are three parts to a comprehensive solution to immigration, the kind of comprehensive solution President Bush has talked about. Part No. 1 is border security. I had no more said the words "border security" than the whole room rose and began to applaud; they were not interested in the rest of the story. I would like to say a word today about the rest of the story, what our immigration debate needs to include in addition to border security.

Let me turn to a lesson we are learning from across the ocean, from Great Britain and France. Last month, the British Government instituted a citizenship test that immigrants to Britain must pass before becoming British citizens. When he announced a number of related measures regarding British

citizenship last August, Prime Minister Tony Blair said:

People who want to be British citizens should share our values and our way of life.

These new rules were spurred by the terrorist attack in London last July in which four young men, three of whom were British-born children of Pakistani immigrants and the fourth who was a Jamaican immigrant, bombed the London subway system. In addition to taking new security precautions, the British Government recognized the need to ensure that immigrants to their country, and especially those who become citizens, 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.

Like their British neighbors across the English Channel, the French are trying to figure out how to integrate this dissatisfied population—the children of Muslim immigrants—into French society. According to the French Ambassador:

[T]hese 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 securing our borders. Securing our borders 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." Once we secure the borders, once 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. Recently, 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

who have won the Nobel Prize in physics are immigrants or the children of immigrants.

That is a second point—a lawful status for workers, and a lawful status for students and researchers, whom we want to come here. We want them here because their being here helps raise our standard of living.

The third part that is essential to comprehensive immigration reform is an examination of how we help new immigrants to this country become American.

In short, we need to have a discussion about fulfilling the promise to the national motto that is right above the head of the Presiding Officer: *E pluribus unum*; from many, one. How do we do that? We do that by reminding ourselves that while we have all of this magnificent diversity in this country, that is not our greatest accomplishment. Our greater accomplishment is that we have turned that magnificent diversity into one nation; that while we are proud of where we came from, we are prouder of where we are. We are united by principles, not race. We are united by a common language, English, and by our history of constantly struggling to reach high ideals which our Founders set for us as a nation.

We welcome new immigrants to join in that struggle toward becoming Americans. We have an advantage, therefore, over our European friends. We have been doing this through our whole history. We are unique in our world in our attitude toward welcoming others. We are different because under our Constitution, becoming an American can have nothing to do with ancestry. America is an idea, not a race.

One can see that in the various naturalization ceremonies which occur in courthouses all around this country, as new citizens raise their hands and take an oath that George Washington first administered to his officers at Valley Forge when he declared that he had no allegiance or obedience to King George III, and he renounced, refused, and abjured any allegiance or obedience to him, and swore he would support, maintain, and defend the United States. That is what George Washington and his officers said. That is the standard for every American citizen who comes to this country.

Once we secure our borders, once we establish a lawful status for workers and for students we welcome here, then we should set about helping prospective citizens become American.

Senator CORNYN and I have introduced a bill that we hope will be included as part of comprehensive immigration reform legislation. Our bill, the Strengthening American Citizenship Act, would do the following: provide \$500 grants for English courses; allow prospective citizens who become fluent in English to apply for citizenship 1 year early; provides for grants to organizations for courses in American his-

tory and civics, and authorize the creation of a foundation to assist in those efforts; codify the oath of allegiance that George Washington gave to his officers and took himself, and which is substantially administered to every new citizen today; direct the Department of Homeland Security to carry out a strategy to highlight the moving ceremonies in which immigrants become American citizens; and establish an award to recognize the contributions of new citizens to our great Nation.

Real immigration reform must encompass all three important steps: First, securing our borders. Second, a legal status for guest workers and guest students. Third, I hope I have reminded us of the importance today of remembering that motto we see when we are here in the Senate chamber that indispensable to immigration reform is helping prospective citizens become American.

HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made to the Secretary of Education's Commission on the Future of Higher Education on December 9, 2005, in Nashville.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A NATIONAL DIALOGUE: THE SECRETARY OF EDUCATION'S COMMISSION ON THE FUTURE OF HIGHER EDUCATION

Thank you for the time you are giving to this Commission's work, and thank you for inviting me to testify.

I've seen higher education from many sides, so I'm sometimes asked, "What's harder: being governor of a state, a member of a president's cabinet, or president of a university?"

My answer is: "Obviously, you've never been president of a university, or you wouldn't ask such a question."

I have six suggestions for recommendations you might make.

First, I hope you will urge the Administration that appointed you to make the National Academies' "Augustine Report" a focus of the President's State of the Union address in January and of his remaining three years in office.

This 20-point, \$10 billion a year report is the National Academies' answer to the following question that Senator Pete Domenici, Senator Jeff Bingaman and I posed to them in May: "What are the ten top actions, in priority order, that federal policy makers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper and be secure in the global community of the 21st century?" The report was written by a distinguished panel of business, government, and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

As 2005 ends, we Americans—who constitute just five percent of the world's population—will once again produce nearly thirty percent of the world's wealth.

Most of this good fortune comes from the American advantage in brainpower: an educated workforce, and our science and technology. More Americans go to college than in any country. Our universities are the

world's best, attracting more than 500,000 of the brightest foreign students. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science, and have registered the most patents. We have invented the internet, the automobile and the computer chip, television and electricity. From such advances have come a steady flow of the world's best paying jobs.

As one scientist has said, we don't have science and technology because we're rich. We're rich because we have science and technology.

Yet I am worried that America may be losing its brainpower advantage. Most Americans who travel to China, India, Finland, Singapore and Ireland come home saying, "Watch out."

The Augustine panel found I am right to be worried:

Last year, China trained 500,000 engineers, India 200,000, while the U.S. trained 70,000.

For the cost of one chemist or engineer in the U.S., a company can hire five chemists in China or 11 engineers in India.

China is spending billions to recruit the best Chinese scientists from American universities to return home to build up Chinese universities.

They also found signs that we are not keeping up:

U.S. 12th graders performed below the international average of 21 leading countries on tests of general knowledge in math.

In 2003, only three American companies ranked among the top 10 recipients of new U.S. patents.

Of 120 new chemical plants being built around the world with price tags of \$1 billion or more, one is in the U.S. and 50 are in China.

Among the Augustine Report's twenty recommendations were:

Recruit 10,000 new science and math teachers with four year scholarships and train 250,000 current teachers in summer institutes.

Triple the number of students who take Advanced Placement math and science exams.

Increase federal funding for basic research in the physical sciences by 10 percent a year for seven years.

Provide 30,000 scholarships and graduate fellowships for scientists.

Give foreign students who earn a PhD in science, engineering and computing a "green card" so they can live and work here.

Give American companies a bigger research and development tax credit so they will keep their good jobs here instead of moving them offshore.

Some may wince at the \$10 billion a year price tag. I believe that the cost is low. America's brainpower advantage has not come on the cheap. This year, one-third of state and local budgets go to fund education. Over fifty percent of American students have a federal grant or loan to help pay for college. The Federal government spends nearly \$30 billion per year this year on research at universities, and another \$34 billion to fund 36 national research laboratories.

Just this year, Congress has authorized \$75 billion to fight the war in Iraq, \$71 billion for hurricane recovery, \$13 billion in increased Medicaid spending and \$352 billion to finance the national debt. If we fail to invest the funds necessary to keep our brainpower advantage, we'll not have an economy capable of producing enough money to pay the bills for war, Social Security, hurricanes, Medicaid, and debt.

Aside from the war on terror, there is no greater challenge than maintaining our brainpower advantage so we can keep our good paying jobs. That is the surest way to keep America on top.