come up with something that is more workable.

I argue, however, that no matter what my colleagues think about the House proposal, we can all agree that the Senate should have the chance to consider welfare reauthorization under regular order, and soon. If we are allowed to debate welfare reform in this body, I am confident we could come up with a bipartisan agreement that truly advances our shared goal of making work pay more than welfare.

The motion I will offer tomorrow would urge conferees to give the Senate a chance to do just that, by rejecting provisions related to the reauthorization of TANF. Instead, the motion I will offer would urge that the Congress enact freestanding legislation that builds on the bipartisan Senate Finance Committee PRIDE bill.

I cannot emphasize enough that the Senate bill was reported out of the Finance Committee on a bipartisan basis. The House bill, on the other hand, has consistently enjoyed the support of only one party. Further, welfare reform should not be considered in the whirlwind of budget reconciliation. Reform should be based on sound policy, and we should seek to find bipartisan consensus on this most important issue, something I am confident we can do.

Tomorrow, when the motion to instruct is offered, I urge and invite my colleagues, both Democratic and Republican, to support it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 30 minutes.

PATRIOT ACT

Mr. FEINGOLD. Mr. President, one of the major items that we will be taking up prior to the end of the year is the issue of the renewal of the so-called USA PATRIOT Act. There was quite an effort in the last couple of years in the Senate to try to fix the problems with the PATRIOT Act that led me to vote against it originally. That was a very difficult time, obviously, after 9/11/2001. The PATRIOT Act got through on a very accelerated basis, and a number of us identified serious problems that other people didn't have a chance to analyze at the time. But the situation now has changed. We have had years to look at this. Thankfully, the Senate worked together to do its job on this bill.

In the Judiciary Committee and in the Senate as a whole, we passed changes to the USA PATRIOT Act, along with renewing the provisions scheduled to sunset at the end of this year. It was a unanimous vote. People from very different philosophies came together and said: Let's get this right. Let's make sure law enforcement has the power and the ability to go after the terrorist network. But, at the same time, let's do what we have to do to protect the civil liberties and rights of absolutely law-abiding Americans.

Sadly, the conference committee did just the reverse. The conference committee ignored the will of the Senate. The conference committee did not make changes in critical areas such as library records and business records, so-called sneak-and-peek searches, and national security letters, changes that were essential to reaching the changes that were agreed to in the Senate. I didn't think the Senate version did as much to protect civil liberties and the rights of innocent Americans as we should have, but it was a move in the right direction. Regrettably, the conference report is nothing of the kind.

I join Senator SUNUNU, who spoke eloquently about this earlier today, in saying that the conference report that will be before the Senate is not acceptable in its current form. The conference committee needs to go back to the drawing board and make the changes that are needed. The changes are very easy to find. They were contained in the unanimously approved Senate reauthorization bill.

Clearly, there will be much more to say about this as the week goes on, but we are prepared to use whatever means we are allowed to use under the Senate rules to try to prevent this conference report from becoming law in its current form.

IRAQ

Mr. FEINGOLD. Mr. President, over the past few months, I have addressed the Senate on a number of occasions about the administration's flawed Iraq policies. I have discussed a number of problems with those policies. But the most important problem is that they are undermining our ability to counter a wide range of transnational threats that face our country. In too many cases, these threats have been overlooked or insufficiently addressed because of this administration's misguided emphasis on policies in Iraq.

Today I will explain why we need to refocus our national security strategy on the global campaign against terrorist networks, and I will briefly identify five areas on which we need to focus. A clear, targeted strategy to strengthen our national security is not an option but a necessity in the face of the growing threats posed by jihadist terrorist networks. The President is spending a lot of time talking about success in Iraq. Unfortunately, he fails to recognize that success in Iraq will not be achieved by a massive and indefinite U.S. military presence. He appears to fail to understand the limited role that the U.S. military can play in Iraq's long-term political and economic reconstruction efforts. I am afraid to say, he fundamentally fails to understand that success in Iraq, as important as it is, is secondary to success in our larger campaign against global terrorists. Iraq—simply put—is not the be all and end all of our national security.

Our brave service men and women won a resounding victory in the initial military operation in Iraq. They have performed magnificently under very difficult circumstances. Now their task is largely over. The current massive U.S. military presence, without a clear strategy and a flexible timetable to finish the military mission in Iraq, is actually fueling the insurgency and will ultimately prevent the very economic and political progress that the Iraqis are demanding and that the President has started to talk about in his speeches. This isn't a strategy for success in Iraq or a strategy for success in the fight against global terrorism. That is why we need a flexible timeline for meeting clear benchmarks and also withdrawing U.S. troops.

I am not talking about an artificial timetable, a phrase the President likes to use. I am calling for a public, flexible timetable with clear benchmarks. I have suggested the end of December 2006 as a target date for completion of that mission. But I have made clear that any date will have to be flexible to respond to unforeseen circumstances.

The administration has a unique opportunity this week to set our Iraq policy on track. Iraqis will return to the polls on December 15 to choose their leaders. Spelling out a plan for the timely withdrawal of U.S. troops from Iraq will signal U.S. support for an autonomous, independent, and self-sustaining Iraqi government. There is no better way to empower the new Iraqi government and the Iraqi people than by showing that the U.S. military mission in Iraq is not indefinite. If we don't heed the advice of a growing chorus of experts to set a timetable for withdrawal, it will be impossible to recenter our priorities and reengage in the global campaign against terrorist networks.

And that is what we need to do in order to defeat those networks.

We have not kept our eye on the ball, Mr. President. We have focused on Iraq to the exclusion of these critical priorities, and we have done so at our peril. It is far past time for us to engage in a serious dialogue about the threats we face, and come up with a tough, comprehensive national security strategy to defeat them.

What are these threats and where do they come from? As we all know, the jihadist network is global in its reach, and it is showing no signs of slowing its recruitment and organization in every region of the world. Since we waged war against the Taliban in the fall of 2001—a war I supported, by the way—we have seen the network of extremist jihadist movements proliferate throughout the world. We have seen it surface in Madrid, London, Amman, Bali, and in places such as the Philippines, Algeria, Pakistan, Somalia, and Nigeria. And while it has spread throughout the world, it holds certain

similar characteristics wherever it appears.

It is good to turn to the definition that the 9/11 Commission report itself gave of what this threat is: ''the enemy is not Islam, the great world faith, but a perversion of Islam.'' The report reads:

[t]he enemy goes beyond Al-Qaeda to include the radical ideological movement inspired in part by Al-Qaeda that has spawned other terrorists groups and violence. Thus our strategy must match our means to two ends: dismantling the Al-Qaeda network and in the long term prevailing over the ideology that contributes to Islamist terrorism.

In order to reduce the danger of Al-Qaeda and radical jihadism all over the world, we must invest our time, our attention, and our best minds on this global threat. And we can't defeat it with just one aspect of American power. We need to develop and execute a national security strategy that utilizes our entire arsenal of political, economic, diplomatic and military power in order to counter the primary threats against us. I want to lay out five major areas of concern today. They are (1) addressing the conditions in which terrorists thrive; (2) enhancing our military's ability to wage the campaign against global terrorists; (3) improving our public and private diplomacy; (4) strengthening our non-proliferation efforts; and (5), finally finishing the job in Afghanistan.

First, we must combat the conditions that make extremist ideologies attractive and that allow terrorist networks to take root and grow. Failed and weak states, such as Somalia, allow terrorism, narcotics trade, weapons proliferation, and other forms of organized crime to take root and grow. By not addressing these conditions, we allow warlords and terrorists to thrive and we leave people suffering from poverty and oppression susceptible to their rhetoric, promises, and pressure.

Let us not forget that three of the poorest and most isolated countries in the world—Somalia, Sudan, and Afghanistan—served as the starting blocks for the terrorist network that delivered the most lethal attack ever on the U.S. If it wasn't clear before September 11, 2001, it is now—we ignore these places at our national peril.

Over 4 years after 9/11, places like Somalia continue to be large, black holes on our radar, and continue to create the conditions that allow terrorist networks to recruit, train, and export their lethality at will. While Somalia has remained a failed state for over a decade now, recent examples of the lawlessness that exist within that country made headlines when freely operating pirates attacked a civilian cruise ship 25 miles off of the Somali coast. We can expect more headlines like that if we continue to think that supposedly small, marginal states are not worth our attention.

That is why we should be taking seriously the inability of Uganda, the new government of southern Sudan, or the U.N. to defeat the Lords Resistance Army, which continues to commit atrocities around the Great Lakes region of central Africa. And we do not always have to look far for failed states. Right here in our backyard, Haiti endures rampant political violence and a festering humanitarian crisis, and has served as a base for narcoterrorists and criminal power structures throughout the region for over a decade. Unfortunately, this administration has failed to develop a comprehensive policy to help Haiti lift itself from chaos and to create livable conditions for the citizens of Haiti. That is a mistake because leaving a country to suffer under chaos only creates a platform for further threats to the region and to our country.

If we fail to address weak and failed states, the lawlessness displayed by warlords, pirates, bandits, thugs, and thieves there will eventually be exploited by our enemies. After all, terrorists find active and passive support among the alienated and the disaffected. Addressing failed and failing states is not easy, but turning a blind eye to them is naive and dangerous.

My second area of concern today is the need to prepare and equip our military for a global campaign against terrorist networks. The war in Iraq has had a devastating affect on our military's readiness and capabilities. I have voted for an increase in the military's end strength, but this is a long-term solution and does not address the immediate problems we face as we continue to over-burden the brave men and women of our armed forces. It also does not address our failure to prioritize military spending. Right now, courageous servicemembers are too often required to do their jobs without the right equipment. While we continue to spend billions of dollars on Cold War-era weapons systems, we are not fully funding the needs of the military personnel fighting our current wars. It is a national shame that the Department of Defense budget, which so dwarfs our spending in any other sector, still has failed to pay for the timely provision of adequate armor for our men and women in the battlefield.

Mr. President, waging a successful global campaign against terrorism also will require us to counter new and growing terrorist tactics. Improvised Explosive Devices, IEDs, continue to increase in lethality and complexity in Iraq and elsewhere. I was pleased that Secretary Rumsfeld recently appointed a retired general to lead a joint task force on countering the threat of IEDs. As the death of 11 marines in Iraq on December 5 showed, the U.S. military has yet to develop a strategy or technology to sufficiently defend our servicemen and women from these troubling weapons. More troubling is the fact that we are now seeing the use of increasingly sophisticated IEDs outside of Iraq. This know-how and technology is being proliferated throughout the global network of terrorists who seek to harm the United States.

The IED task force needs to identify a strategy, tactics, technology, and training to defend from these weapons, but it also needs to figure out ways of countering the proliferation of IED technology, know-how, and tactical training that are currently being exported from Iraq. Tragically, Iraq has turned in to a testing-ground for these new weapons, and the administration needs to explain not just how it is countering the lethality of IEDs in Iraq, but also how it is mitigating or preempting the use of these weapons by terrorist networks globally.

My third area of concern is our woefully inadequate diplomatic efforts, public and private. As the recent 9/11 Commission report card showed, we need to do much better in communicating our principles and goals to the international community. In part we are failing because this administration has not consistently adhered to the core American values that have made us a model around the world, that helped defeat communism, and that have inspired democracies globally. The administration's approach to detainees, torture, and secret prisons, to name a few issues, has jeopardized this country's unique moral authority as a country that upholds the rights, liberties, and freedoms of every individual. I believe that we can combat terrorism while remaining true to those values.

Mr. President, we need a new, sustained and comprehensive public and private diplomacy, and a concerted effort to tell the rest of the world who we really are and what we really believe in. This diplomatic effort is essential if we are going to prevail in what is in part a battle of ideas—and one that we cannot afford to lose. I am not talking about giving lectures or showing videos, but about engaging in genuine dialogue with other peoples and countries. Listening, and responding to, their concerns is one of the most effective ways to improve our image, and thus our relationship, with the international community.

Diplomacy also involves looking for opportunities to demonstrate our core values. One such opportunity was lost in the response to the recent tragic earthquake in Pakistan where hundreds of local religious organizations—many of them linked to extremist or anti-American ideologies—beat out American relief efforts with quick, appropriate, and thoughtful responses. A CEO of a U.S.-based relief agency, having just returned from Pakistan, relayed to me his frustration that ''the United States lost a significant opportunity to win the hearts and minds of a core population in Pakistan vulnerable to extremist ideologies because we responded with standard, boxed solutions.''

We also need to engage our international partners not only in the campaign against terrorist networks, but also in the challenge to eradicate malaria, address HIV/AIDS, help rebuild

countries such as the Democratic Republic of the Congo, bring peace to the Darfur region in Sudan, and help counter the impact that illicit power structures and the absence of rule of law have on societies around the world, to give just a few examples. We need to work hand in hand with those partners in developing strategies to isolate rogue states and to advance democracy and respect for human rights.

The fourth area we need to focus on is the proliferation of weapons, large and small. We need to do much more to stop nuclear proliferation and ensure that terrorist organizations do not obtain access to nuclear weapons. We must deal with the threats of loose nukes as an urgent priority both at home and abroad. This administration unfortunately has failed to do so. More nuclear weapons were secured in Russia in the 2 years before 9/11 than in the 2 years after. That is an alarming fact. And we should not have missed the opportunity at the last Nuclear Non-Proliferation Treaty conference to start moving forward on a new global regime; one that does a better job of protection and punishing cheating so that states cannot take their nuclear programs right up to the line of compliance and then withdraw from the treaty when they are ready to become new nuclear weapons states.

We should also reverse the foolish decision to ease export restrictions on bomb-grade uranium that was part of the massive and misguided Energy bill signed by the President this summer.

We must also focus on smaller weapons that continue to fall into the hands of terrorist networks at a cost of tens of thousands of lives each year. I applaud the recent announcement by my distinguished colleagues, Senators LUGAR and OBAMA, of their initiative to make more funding and new authorities available for new proliferation programs and to counter the growing threat that light weapons, such as the Man Portable Air Defense System, pose to the United States.

Unfortunately, we are behind the ball on this issue, and we need to drastically improve our ability to hunt down, shut down, and capture the networks of arms dealers that are getting rich by selling weapons to our enemies.

Fifth and finally, we must refocus our energies on Afghanistan. The President spends a lot of time discussing Iraq, but not much time on Afghanistan which was and maybe still is home to Osama bin Laden. Unlike our presence in Iraq, our presence in Afghanistan is contributing to increased stability in the country and region and is delivering progress in the war on al-Qaida.

Success in Afghanistan is essential for making progress in the campaign against terrorist networks, and it is where we must show the commitment, resolution, and capabilities of America. It is one of the first battlefields in this war. We now have the opportunity to turn what was once a despotic and broken country into a thriving democracy. It needs a lot of work, though, and disproportionate attention to Iraq has drained many of our positive and appreciated efforts in Afghanistan.

I see three major areas that need further attention in Afghanistan.

First, as part of assuring long-term success in Afghanistan, we need to ensure that international assistance, much of it from the United States, continues to be targeted, coordinated, and appropriate. We are running the risk of creating a ''Donor's Republic of Afghanistan'' by creating an unsustainable Afghan Government that the Afghans themselves cannot afford or manage. At this time, annual recurring costs to maintain the U.S.-developed Afghan National Army outweigh the central Government's revenue streams by a multiple of two or three. And this is not taking into consideration the police force and other essential public services that are in drastic disrepair or in need of further development.

Second, we need to continue burden sharing throughout the international community and encouraging a greater role for NATO, the United Nations and, most importantly, the Afghan Government, as it struggles to fight resurgent terrorist and obstructionist threats.

I was glad to receive news last week that NATO will increase its presence in southern Afghanistan, but we need to assure that long-term development and security aid is tied to measurable benchmarks for success.

Third, we need to continue to pressure countries such as Pakistan, Iran, China, Russia, Turkmenistan, Kyrgyzstan, and others to be constructive partners in the development of Afghanistan's new and fragile government and economy. Afghanistan is suffering from porous borders which make it an ideal environment for a thriving illegal drug trade, illegal imports and exports, and terrorists and insurgents who want to prevent the new Afghan Government from developing.

We have to succeed in Afghanistan. If we allow the new Afghan Government to become weak, feckless, and corrupt, we will risk losing everything we have invested. We will lose a partner in the campaign against terrorist networks, and we will lose the opportunity to point to Afghanistan as an accomplishment.

I have tried to identify five crucial areas in which we are not doing enough to protect our national security. We are not doing enough for a number of reasons, but foremost among them is the administration's single-minded and self-defeating emphasis on Iraq. The President's debilitating and misguided Iraq policy is preventing us from focusing our attention, our resources, and our efforts on the global campaign against terrorist networks. That is why we need a plan to wind down our military presence in Iraq and bring our focus back to the threat of radical jihadist-based terrorism.

While this administration talks and thinks about Iraq, our enemies are growing stronger around the globe. Those enemies are disparate, diffuse, and relentless. They operate in ungoverned spaces, on the Internet, in cities, mountains, and jungles. Left unchecked, they will continue to plot against the United States.

Our national security policy is adrift, but we have the power to change it, to correct our course. We must tackle these challenges and build a security strategy that protects our Nation from the most dangerous threat that it faces.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the Senator from Wisconsin leaves the floor, I request that he be available to discuss some of the provisions of the PATRIOT Act. I see him remaining on the floor, so permit me at this time to take up a couple of the issues which the Senator from Wisconsin has raised, appropriately putting my question to the Chair as our rules require, and then asking for responses.

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

Mr. SPECTER. The Senator from Wisconsin has raised an issue on the national security letters with respect to the presumption which arises when a high-ranking governmental official, such as the Attorney General, Deputy Attorney General, Assistant Attorney General, head of the FBI, or head of the departments making the request, certifies that there is a national security interest or an issue of diplomatic relations.

This is an issue which, as I understand it, the ranking member, the Senator from Vermont, Mr. LEAHY, raised earlier. The question I have for the Senator from Wisconsin is whether he is aware of the fact that the conclusive presumption, which is present in the conference report, is not as tight as the conclusive presumption which was present in the Senate bill which passed unanimously from the Judiciary Committee, of which the Senator from Wisconsin is a member, and by unanimous consent on the floor of the Senate, without objection by the Senator from Wisconsin.

I refer specifically to the provision in the Senate bill which says: In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

That language is substantially repeated in the conference report, except that the conference report makes it tougher on the governmental certification by requiring the high-level official to make the certification.

Quoting from the conference report, it says: If at the time of the petition

the Attorney General, the Deputy Attorney General and Assistant Attorney General or the Director of the Federal Bureau of Investigation or, in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of such department, agency, or instrumentality—and now we come to the crucial language, continuing—certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive unless the court finds that the certification was made in bad faith.

My questions to the Senator from Wisconsin are the obvious ones: No. 1, was he aware that the conference report has the identical provision, except more restrictive, and if so, why does he now object to this provision in the conference report when he approved it in committee and raised no objection on the floor?

Mr. FEINGOLD. As the Senator well knows, on the floor we passed this bill by unanimous consent, without debate, but I and others raised our concerns in the Judiciary Committee. The Senator well knows I was not pleased with the outcome on this provision in the Senate. I fought hard to get as many changes as possible, but we did not get the changes we needed with regard to national security letters, and the conference report failed to improve this provision as it should have done.

The Senator is correct, as I understand it, that the Senate version did not change much of existing law in this area, and the conference report is essentially the same. The conference report did not include the national security letter standard that a bipartisan group sought, three Democrats and three Republicans, as well as other cosponsors of the SAFE Act, which is that the Government can only obtain records that pertain to a terrorist and spy.

In addition, in answer to the Senator's question, the judicial review of the NSL gag rule in the conference report also is inadequate. In the SAFE Act, we included meaningful judicial review of national security letters and the NSL gag rule. Under the Senate version, there is judicial review of national security letters and gag rule, but there again, disappointedly, even the Senate version of the bill failed to create a standard that was realistic. It created a standard for the gag rule that would be virtually impossible to meet.

Of course, the areas that caused me to vote for the Senate bill were the improvements it contained, especially the change to Section 215, which we have lost; on sneak and peak search warrants, which was largely pulled back; and on John Doe roving wiretaps, which have been only partially preserved.

The point is that I was not happy with this portion, but in light of some of the other changes in the Senate bill, I did work, as the Chairman knows, cooperatively with him to create a document that at least had some balance. What has happened now is we have lost the positive changes we gained in the Senate bill, and we continue to have a very inadequate provision relating to the national security letter authority.

Mr. SPECTER. Mr. President, with all due respect, the Senator from Wisconsin has not answered my question. When he takes up the SAFE Act, which he cosponsored, so did this Senator. I was not satisfied with the provisions of the PATRIOT Act in effect at the present time, and I was a cosponsor of the same bill as the Senator from Wisconsin, Senator DURBIN, and others, in order to protect civil liberties, which I sought to do in the Senate bill and I sought to do, and I think successfully, in the conference report.

When the Senator from Wisconsin talks about Section 215, I am coming to that and I wish to engage him in a discussion on that specifically, but let me put it aside for a minute so as not to confuse that issue. With respect to sneak and peak, the delayed notice, I am coming to that as well because there are major, vast improvements in the conference report over existing law. With respect to the roving wiretaps, I am coming to that, too. But focusing for just a minute one at a time so there can be some understanding—this is a very complicated bill. I spoke on it at some length yesterday afternoon in order to acquaint my colleagues with it. I have made quite a number of calls to my colleagues, as far as I can go, to acquaint people with what is in this bill so we can understand it and vote on it with an understanding.

Coming back to the conclusive presumption in the national security letter, the question I posed to the Senator from Wisconsin was whether—well, maybe three questions. Does not he agree that the conference report is even more protective of civil liberties than the Senate bill? The second question: Did he know about it? And if on this provision alone, putting aside the others he referred to, 215, sneak and peak, and wiretap, and we want to come to sunset, too, which is a gigantic improvement—it was not mentioned by the Senator from Wisconsin. I think when we get to that he will concede that was a big improvement and maybe he overlooked it in commenting or at least any comment that I heard him make. But coming back to the national security letter, what about my three questions, if I may pose them through the Chair to the Senator from Wisconsin?

Mr. FEINGOLD. I would say to the chairman through the Presiding Officer, I did respond to his question, and I can tell him that I was aware of the changes that occurred in the conference report vis-a-vis the Senate bill. They are not adequate. We are still very far away from the SAFE Act with regard to this provision. I note that the chairman cosponsored the SAFE Act and yet did not object, apparently, to the significant withdrawal from the SAFE Act provisions in this area. What we need in this provision on these national security letters to prevent potential abuses, as well as the abuses that may well be already occurring—the Washington Post suggested some 30,000 national security letters per year—is a clear standard that these provisions can only be used to obtain records that pertain to a terrorist or a spy. Neither the Senate version nor the version in the conference report achieves that. So, yes, I acknowledge there are some language differences, but I do not believe they achieve what we need to achieve with regard to national security letters.

Mr. SPECTER. Mr. President, the Senator from Wisconsin does not know what I did in conference because he was not a conferee. There is no reason why he should know. But I can tell him that I fought very hard for a lot of these provisions, and I can tell him further that I was not persuasive enough to get 100 percent of what I wanted.

Mr. FEINGOLD. Mr. President, I would like to say——

Mr. SPECTER. Wait just a minute. I have the floor. I want to finish this, and I will come back to the Senator from Wisconsin and give him ample time to comment on what he wants to comment on.

We have a bicameral system. If the Senate could act alone, we would have had the Senate bill. When the Senator from Wisconsin says he was not satisfied with this provision in the Senate bill contrasted with the SAFE Act, I would not disagree with him about that. I will not disagree with him about that at all. In the Senate bill, I did not have everything that I would like. There are 17 other members of the Judiciary Committee and there are many members who thought the Senate bill went too far on civil rights. It was necessary to balance very delicately to get 18 Senators to agree, sort of unheard of, and I will not go over the composition of the committee, but we have people from opposite ends of the political spectrum on that committee.

Mr. FEINGOLD. Mr. President, would the Senator yield so I can respond to his comment?

Mr. SPECTER. One moment, and then I will yield for the Senator's reply.

The point is, the Senate came to this conclusive presumption and the Senator from Wisconsin voted for it. The full Senate came to this conclusion. The Senator from Wisconsin did not object to it. So I think it is rather late in the day—frankly, too late in the day—for the Senator from Wisconsin to say that a provision which he has approved is the basis for rejecting the conference report because the conference report did not do something he would have liked better.

Now, without yielding the floor, I ask unanimous consent that the Senator

from Wisconsin be allowed to make whatever comments he chooses on this point.

Mr. FEINGOLD. Mr. President, the first thing I want to say is that the Senator from Pennsylvania is not the problem here. Everything he has said is accurate. He fought tenaciously in the committee, and I think brilliantly, to bring us together in a balanced package. I say to the Senator, through the Presiding Officer, I am grateful for his efforts in the Judiciary Committee and the Senate as a whole, and for his efforts in the conference committee, because I know the Senator tried. What happened in the Senate was that the will of this body as a whole, which we all compromised on, prevailed. The Senator from Pennsylvania correctly points out that I had to give, unfortunately, on this national security letter issue, to get the important changes regarding library records, sneak-and-peek searches, and sunsets.

The fact is, I say to the Senator that of course I objected to that provision. But I was trying to work with the Senator to come up with a balanced package, as Senator SUNUNU and I were commenting earlier, a package we could support as a whole. The Senator is now suggesting that after we made some gains and we lost some issues, I should now accept the one part we did not prevail on and give up the parts I did prevail on. That strikes me as a rather odd deal.

It was, as the Senator knows, a very difficult vote for me to support the Senate package. I was the only Member of this body to vote against the original PATRIOT Act because it was deeply flawed, and the Senator from Pennsylvania and many others have acknowledged there were such flaws and we have worked together to fix what we could. I was determined, as I said at the time we passed the Senate bill, to work with my colleagues to fix the other flaws, especially those in the national security letters.

But this idea that when you get the package back and it only includes the things you don't like and it doesn't include the things you did like, that you should keep your mouth shut and you should not oppose it, that to me is ridiculous.

Mr. President, I say to the Senator, and I mean it absolutely sincerely, he has been a tremendous chairman. He has been one of the real keys to us having any chance at all to fix this legislation. But I am very disappointed with what we got back from the conference committee. I know very well that the chairman did not want this document to look like this. He wanted it, I assume, to look like the very document he crafted in the Senate Judiciary Committee.

I yield back to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I do not disagree with everything the Senator from Wisconsin has said. In fact, I like part of it where he said I was brilliant, I like the part where he said I was a tremendous chairman, but there were other parts with which I disagree as to what he said.

A little levity will not hurt this debate any.

I focus only on national security letters at the outset, to establish the point that the conference report is more protective of civil liberties on that point than the Senate bill. I want to go on to the other points. I have only faint hopes of persuading the Senator from Wisconsin to support the conference report, but I do think it is very useful to have this discussion because he is, appropriately, very deeply involved in this bill and there is no better way to acquaint our colleagues and the staffs—perhaps two or three people watching on C–SPAN2—to acquaint America, to the extent we can, with what we are doing here.

On to section 215: Section 215 involves business records and the highly controversial point on library records. The Senator from Wisconsin is correct that the existing law is deeply flawed. Bear in mind, we are living under that law until we pass a new law. That is the law we are operating under today. Existing law enables a law enforcement official unilaterally to go to get records on his determination that they are relevant, and there is no judicial review. What the Senate bill did, and what the conference report perpetuates, is to put in judicial review. The traditional safeguard of liberty has been to interpose a disinterested, impartial magistrate between law enforcement and the citizen. That is what happens when you get a search-and-seizure warrant to establish probable cause. That is what happens when you get an arrest warrant to take somebody into custody. We have moved substantially toward that cause, although not quite probable cause for a search warrant or an arrest warrant, but a very substantial portion of the way by the Senate bill, which is perpetuated in the conference report, that a court may issue an order for records only on ''a statement of facts showing that there are reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation to protect against international terrorism.''

The Senate bill established three criteria for the relevant standard. First, activities of a suspected agent of a foreign power; second, a foreign power or agent of a foreign power; third, an individual in contact with or known to a suspected agent of a foreign power. In conference we did add an additional provision, which the Senator from Wisconsin has objected to. The additional provision is that the judge may order the production of records of an individual where the judge concludes those records are important—crucial to the investigation, to a terrorism investigation.

If I had my druthers, I wouldn't have put the provision in, but we had a closed-door briefing where the Department of Justice came in and showed us what they consider to be needed. I thought it was within the realm of reason, but I knew it would be an obstacle to getting the law put into effect and getting support for that provision, and I opposed it. But when I recognized that there are other points of view besides mine and besides the Senate's, and without a lot of other major concessions on the national security letter, which I have already described and will come back to—there were more concessions we got there—it seemed to me that provision was acceptable.

The question which I have for the Senator from Wisconsin is whether he has had an opportunity to get that briefing? Last Thursday, I asked my Chief Counsel, who has done such an extraordinary job, Michael O'Neill—who was here a moment or two ago; he's probably too busy to stay and listen to his speeches—to make a briefing available to the Senator or his staff. My question to the Senator from Wisconsin is, No. 1, if he has had an opportunity to get that briefing; No. 2, if so, what he thought of it with respect to the weightiness of what the Department of Justice had to say; and, No. 3, if this modest addition is so significant as to sink—or in conjunction with other similarly unweighty matters—sink the bill?

Mr. FEINGOLD. In response to the Senator from Pennsylvania, the Senator knows very well I am familiar with what went on in that briefing. You and I spoke here outside this Senate Chamber about these very provisions. I indicated to the Senator that I had my staff, who received this briefing, go over with me, in a secure setting, exactly the hypotheticals that those who wanted this additional provision in the conference report raised. My staff and I looked at those hypotheticals and were very unpersuaded.

Here is the significance. What the Senator from Pennsylvania is suggesting is that it is not a major change to add, on top of the three-part test of the Senate, an additional provision that merely requires relevance. This is a big deal, because the other three provisions require that the records pertain to a terrorist or spy, or records of people in contact with or known to a terrorist or spy, or relevant to the activities of a terrorist or spy. All three of those tests require something closer to the connection that the Senator from Pennsylvania and I demanded in the SAFE Act.

The additional item put in the conference report is the loophole, the exception, that swallows that three-part test. It does not require the connection to the terrorist or spy, even though this legislation, from the very outset, was supposed to be a response to what happened on 9/11, to terrorism. This does gut the changes to section 215 that are in the Senate bill. This does render meaningless the efforts you and I and

others made to get a good provision in the Senate. And, yes, it is a sufficient reason not to go forward.

The feelings the American people have about this poorly drafted section 215 cannot be answered by a provision that simply demands general relevance and does not require a connection to terrorism or espionage. It is unacceptable. And on that ground alone, although there are other grounds, it is very disturbing.

I want to say that the Senator, my colleague and friend, did try hard. He said earlier that if he had his druthers he would have preferred a better provision. This isn't about druthers. This is about a devastating power of the Government to be able to go and take your library records on some general notion of relevance that has nothing to do with any connection to terrorism or espionage. That is unacceptable in America, and under our Bill of Rights.

Mr. SPECTER. Mr. President, I did not acquiesce in this matter simply as a matter of druthers or nondruthers. I acquiesced in this matter because it was, as a total scheme of things, acceptable. There was adequate protection. It is not, as the Senator from Wisconsin defines it, broad-ranging authority of a judge. The impartial judicial official has to agree that it is a terrorism investigation, and that these records are crucial and important to the investigation, that they are relevant to the investigation, and it is not something that is extraneous but it is a terrorism investigation.

I focus on this matter again not with any expectation of persuading the Senator from Wisconsin but to tell my colleagues why he is objecting to this provision, and to invite my colleagues, the other 98 Senators, if they want the briefing, to see why there were sensible reasons for the Department of Justice and the details of this provision not going too far, not impinging on civil liberties because I wouldn't support a bill which impinged on civil liberties. I simply wouldn't do it. But there are others who have contentions, and we had a great many concessions from the House of Representatives.

I have taken up the two principal considerations which the Senator from Wisconsin was arguing, the conclusive presumption in the national security letter and this additional provision under section 215.

But I want to come back for a moment to the national security letter on important concessions which the Senate obtained in the conference report, first, to point out that the national security letter was not established by the PATRIOT Act which we enacted shortly after 9/11. The national security letters have been in existence for decades. But the Senate utilized the revisions to the PATRIOT Act to put limitations on the national security letters because they fit within the overall parameters. We have some very important concessions on national security letters in the conference report. The standard has always been that if you had a national security letter, you kept quiet about it, the recipient did. There was no explicit opportunity for the recipient of a national security letter to challenge it. But the conference report fixing up the Senate provision explicitly gives the recipient of a national security letter the right to contact an attorney, to go to court, and to have a national security letter quashed, if it is unreasonable, oppressive, or otherwise contrary to law. The recipient also has the power to get a court order to tell the target. That is subject to a certification by these high-ranking governmental officials that it would endanger national security or diplomatic relations.

But again, the provision in the conference report is more protective of civil liberties than what was in the Senate report. On this provision on national security letters, the conference report goes much further than existing law. Again, the national security letters were not covered in the PATRIOT Act.

I don't have a question for the Senator from Wisconsin. I will come to some later, but I ask unanimous consent that I might yield to the Senator, if he cares to reply at this point to what I have said, without losing my right to the floor.

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

Mr. FEINGOLD. Mr. President, I say to the Senator that I meant what I said about his efforts and his sincere desire to try to fix these provisions, and that is what we started to do in the Senate version.

Second, I do think this is an excellent process, that we need to come out here on the floor and be very specific about what is right and what is wrong about these provisions. It is neither sufficient to say to our colleagues that we have to pass it as it is because the time is running out, nor is it sufficient for somebody on my side to say, look, this is an enormously dangerous, unfixable provision and the whole thing should go down. Neither of those positions is defensible. What is defensible is to look at each of these provisions as we have been doing and ask if we have done enough to protect law-abiding Americans. I come to the conclusion that we were very close, had maybe even achieved that with regard to section 215. But the conference report failed in that regard, and it brings us back far too close to the original mistake.

On the national security letters, I am not impressed by the improvements of the Senate version, which I didn't find to be adequate in the first place. So with regard to both of those, not to mention the sneak-and-peek searches that we will discuss later on, the conference report simply does not do the job.

I do recognize the Senator's sincere desire to make sure the Senate is well informed about the remaining issues that could affect how Members vote on the conference report.

I yield the floor.

Mr. SPECTER. Mr. President, the national security letters are stronger in the conference report than they were in the Senate bill. The conclusive presumption in the conference report is more protective than the language in the Senate bill on conclusive presumption. The conference report picking up the Senate bill provisions improves the civil liberties protection from existing law by the explicit right of the recipient to go to court to quash or to make the disclosure to the target.

Mr. FEINGOLD. Mr. President, if I could make one remark, and then I will have to leave. If the Senator will yield.

Mr. SPECTER. I will yield on the condition that I not lose my right to the floor.

Mr. FEINGOLD. On the national security letters, we will have to agree to disagree and continue to debate this and come to a similar conclusion with regard to what the conference report did vis-a-vis the Senate bill. Perhaps we could agree on how valuable it would be in light of how serious these concerns are about the national security letters, for that provision at least to be part of the group of provisions subject to a sunset.

I want to point out to my colleagues with regard to these national security letters that there may have been 30,000 issued, according to the Washington Post, per year. That power is not sunsetted. That is troubling.

I yield the floor.

Mr. SPECTER. Mr. President, I suggest that the Senator from Wisconsin get a classified briefing and not accept what he reads in the Washington Post. The Washington Post is wrong. I hope the Senator from Wisconsin will not leave the floor. If I can have the attention of the Senator from Wisconsin, I hope he will not leave the floor while I make a couple of other comments. I will try to be brief, although I don't think it has been extensive so far.

Mr. FEINGOLD. I appreciate that. I need to leave briefly. I will be right back, but I enjoy this process. I need to take care of one matter, and I look forward to returning to continue this discussion.

Mr. SPECTER. Let me be brief with one comment about 30,000. I urge the Senator from Wisconsin to get a classified briefing and not to take the facts of the Washington Post, because the Washington Post is totally wrong. I am not at liberty to tell the Senator what the facts are, although I asked the Department of Justice to put those facts before the public. Too much is classified, and I think this is inappropriately classified. I would like to be able to detail it.

Let me talk about the delayed notice provisions.

Existing law provides for notification of the target in a reasonable period of time, which could mean anything. The Senate bill called for 7 days, the House

bill wanted 180 days, and we got 30 days.

I suggest in the totality of the legislation that we are in the 85 to 15-percent range, 85-percent Senate provisions, 15-percent House provisions, and the 15 percent which the House has does not impinge on civil liberties. I wouldn't take 1 percent if this were an inappropriate impingement on civil liberties. The 30 days can be extended by a court on cause shown for specific reasons.

With respect to the wiretap provision, I joined the Senator from Wisconsin in opposing the roving wiretaps. I have never liked wiretaps. When I was district attorney for Philadelphia, this issue came up for consideration of our body, and I was the only one of 67 county district attorneys to object to wiretapping.

Since I can only be brief here, I would invite my colleagues again—I know I am not going to persuade the Senator from Wisconsin. In talking about the late notice and talking about the wiretap provisions, I want my colleagues to look at the details as to how we have protected against random selection on the specification, a description of the person who is to be wiretapped, and showing that the person subject to the wiretap is likely to try to avoid the wiretap.

The final comment I have to make is about sunsetting. The House put in a provision for a 10-year sunset. The Senate put in a provision for a 4-year sunset. The House wanted the compromise of 7 years, halfway between 4 and 10. The Senate conferees insisted on a compromise at 4 years. The House said it was not much of a compromise, not when they were at 10 and the Senate was at 4 years. I thank the White House for assistance in working this detail out. We did so on the expectation that by working the sunset to 4 years, we would have a number of Senators' signatures on the conference report and a number of House signatures on the conference report.

I am not going to wash that linen in public as to what happened but only to say that our ability to review this bill at 4 years is a mighty potent weapon to keep law enforcement on its toes, knowing it is going to be subject to review in that period of time.

I have pledged privately and publicly and again in the Senate yesterday to have extensive and piercing oversight as to what law enforcement does. I think the Senator from Wisconsin will agree on the point that in the year I have been chairman, there has been real oversight. We have called for it and done a job here.

The debate has been very useful. I don't have any questions to pose to the Senator from Wisconsin. I am glad he is here to respond so the other side can be articulated and so my colleagues can make their own evaluation as to the weight of the objection of the Senator from Wisconsin to section 215, which is very limited to that one additional provision, which is justified, so they can evaluate his objection to the national security letters where the conclusive presumption is tighter in the conference report than in the Senate version and other protections, and the protections on delayed notice, so-called sneak and peek, and wiretaps, and then especially on sunset.

The debate is very illuminating and does more than the speech I gave yesterday. There is nothing as dull as a speech on the Senate floor and nothing as lively as a little debate. This Senate has very little debate, very little exchange of ideas where Senators come and in a respectful way pose questions and in a respectful way give answers to illuminate rather than obfuscate; no table-pounding.

I thank the Senator from Wisconsin for what he has done this year on the committee and for his thoughtful approach here, albeit wrong, albeit not persuasive and should not carry the day. I thank him for his contribution.

Without yielding the floor, I ask unanimous consent I may yield to the Senator from Wisconsin without losing the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am thoroughly enjoying this, and I came out here and described the Senator again as valiant on this issue. But I am getting a little worried as we start reviewing each of these provisions. The Senator from Pennsylvania voted for every single one of these provisions that I have talked about as part of the Senate version. There was a reason we drafted it that way.

When the Senator properly puts me through my paces on each of these issues and I identify my remaining objections and he minimizes the objections—keep in mind he already voted for those very provisions; he voted for exactly these provisions in the Senate bill. So when I point out on section 215 that a general relevance standard is not a sufficient protection and he agrees on the record that was troubling to him, it seems to me that is a valid issue to be concerned about.

With regard to the sneak-and-peek provision, the Senator did not vote, when he voted in the Senate, for 30 days' permission for a sneak and peek and a 90-day extension after that; he voted for 7 days, because the Senator from Pennsylvania knows as well as any Member in this Senate that the idea of a sneak-and-peek search in the first place is a very troubling exception to the fourth amendment protection that every American has against unreasonable searches and seizures. This is a very narrow exception. When the Senate voted in the Senate, he did not vote for 30 days. He did not vote for a period of time that is over four times larger than 7 days; he voted for 7 days. To now suggest this is somehow a trivial concern is not consistent with either the Senator's record on this particular legislation or consistent with his apparent cosponsorship of the SAFE Act in the past.

This debate is valuable, but when the Senator actually lists these all together as he has done, the only thing I can agree with him on is—and I am grateful—that the sunsets have been preserved. That is positive.

Let me say, the Senator cosponsored the SAFE Act. He knows some of the things we are sunsetting potentially permit the violations of the rights of innocent and law-biding Americans. A sunset is only a secondary level of protection that essentially says, Look, people's rights might be violated now, but at least we will have a chance to change it later. The idea of simply prevailing on the sunsets, which allow violations to continue without changing the substance of the law to protect Americans' rights and civil rights liberties, is not a sufficient reason to vote for the conference report. But I do look forward to further exchange with the Senator on this as the week goes on.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Wisconsin.

The last comments made the argument better than I have during the course of the last hour when he chastises me for agreeing to 30 days when I voted for 7 days but the House bill has 180 days. That is a reason to vote against the bill. He has made my case.

When you take up an issue about what is fair and appropriate and adequately protective of civil rights as to when the target should be notified as to a surreptitious or secret search of his apartment, and you have an existing bill which says a reasonable period of time—which could be anything—and the Senate comes in at 7 days and the House comes in at 180 days, there is no real concession on civil liberties. The House made a concession of 150 days, from 180 to 30. The Senate made a concession of 23 days, from 7 to 30.

I ask the other 98 Senators whether this is a meritorious argument, a weighty argument, or more of scintilla. That is an expression we use in the law when the item has virtually no weight. In the common law, they talk about a peppercorn being adequate for consideration. But this is a scintilla. Maybe this is not even a scintilla, to say a concession from 7 to 30 days is meaningful.

I am glad the Senator from Wisconsin made that as his final, persuasive, overwhelming argument because that illustrates the flimsiness of the considerations.

Mr. FEINGOLD. Mr. President, because of the last exchange, that will not be——

Mr. SPECTER. I have the floor, but I will yield to the Senator from Wisconsin on unanimous consent. I saw Senator BYRD one day perfect this, and I will not make a mistake of yielding without reserving the right to the floor.

Mr. FEINGOLD. I have no desire——

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

Mr. FEINGOLD. I have no desire to take the floor away from the Senator from Pennsylvania, but back where I live, when the Government comes into your home and you do not know they have been rummaging around in your house and you find out 7 days later that they did this, you are upset. If you do not find out for 30 days, where I come from that is not a scintilla; that is a big deal. The U.S. Government coming into your house without giving you notice, as people expect under the fourth amendment, is not a triviality.

It is at the very core of one of the most important provisions of the Bill of Rights. I am not sure I am, in the end, even comfortable with this concept of a sneak and peek search. I think it has been demonstrated it may be needed in some cases, but why in the world can't a judge have to renew that every 7 days?

It is not a matter of trivia to the people of my State that the Government can come into their house without notice under the fourth amendment. And I reject the idea that it is a minor difference between 7 and 30 days.

Mr. SPECTER. Mr. President, the problem with the renewed argument by the Senator from Wisconsin is not on 7 days or 30 days, it is on 1 day. It is on any sneak and peek. It is on any delayed notification. Law enforcement has that latitude because they need to continue the investigation. If a disclosure is made, it will impede an investigation. A short period of time enables them to continue the investigation without alerting the target.

One day would be too long for the argument which is made by the Senator from Wisconsin. We are conducting this debate as if we have a law enforcement community in this country made up totally of rogues who have no regard for the rights of the individual. And when they get a delayed notice warrant, bear in mind, my colleagues and the Senator from Wisconsin, they have gotten judicial review on this sneak-and-peek warrant. On this delayed notification warrant, they have gone to a judge and have gotten leeway on standards which are set forth and articulated in the PATRIOT Act.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

Mr. SPECTER. Back to the substance of the argument: this period of time, the less, the closer to the Senate position the better. But this is not some random act of a rogue law enforcement officer. This is a delayed notice warrant which has been obtained by going to an impartial magistrate and by showing cause and by showing reason to have this delayed notice.

Mr. President, the Senator from New Hampshire was on the floor earlier today and has raised a number of arguments. I see other of my colleagues on the floor seeking recognition so I will not take these up at this time. But I would invite my colleagues to examine what the Senator from New Hampshire has had to say in the context of the debate which I have had with the Senator from Wisconsin because I think they are covered. But I will want to deal with them specifically.

I would point out—I am looking through the transcript for a moment on some of the things which he has had to say. There are also some comments made by the Senator from Vermont, the distinguished ranking member, which I will comment about later. We will have a debate.

CONTINUED DUMPING AND SUBSIDY OFFSET ACT

Mr. SPECTER. Mr. President, I want to take an additional moment or two, while I have the floor, to make a brief argument in support of the motion which is going to be offered by Senator DEWINE and Senator BYRD to instruct the budget conferees to drop the repeal of the Continued Dumping and Subsidy Offset Act.

This legislation was passed in the year 2000 under a program which allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped or unfairly subsidized imports.

Over 700 companies in almost every State of the Union, including many small- and medium-sized companies, have received distributions under this act, benefitting producers and workers in lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips, and a broad range of other industries across the Nation hurt by continued unfair trade.

My State, Pennsylvania, has been a victim to a very substantial extent. Companies in a variety of industries, including those that produce steel, cement, agriculture, and food products, have benefitted from the $1.261 billion since this program was put into operation. The World Trade Organization has objected to this provision, and it is my hope that the administration will fight the World Trade Organization's conclusion. There have been instances in the past where the World Trade Organization has said our practices violate their laws, and our executive branch has gone to fight them to make a change. I think that is what they should do here.

This compensates the companies and the workers who have been victimized by these unfair trade practices. As a matter of basic and fundamental fairness, this money ought to continue going to that.

In the interest of brevity, I ask unanimous consent that the complete text of my statement be printed in the RECORD following my oral remarks.

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

DEWINE MOTION TO INSTRUCT CONFEREES TO DROP THE REPEAL OF CSDOA STATEMENT OF SENATOR ARLEN SPECTER

Mr. SPECTER. Mr. President, as I have said, I have sought recognition to express my opposition to section 8701 of H.R. 4241, the House-passed budget reconciliation bill, which seeks to repeal the Continued Dumping and Subsidy Offset Act, CDSOA, or Byrd amendment, and to express my support for the DeWine motion to instruct conferees to not include this provision in the conference report.

CDSOA was enacted in 2000 to enable U.S. businesses and workers to survive the face of continued unfair trade. The program allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped and unfairly subsidized imports.

Over 700 companies in almost every State of the Nation, including many small- and medium-sized companies, have received distributions under CDSOA, which benefits procedures of lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips and a broad range of other industries across the Nation hurt by continued unfair trade.

In Pennsylvania, companies in a variety of industries, including steels, cement, agriculture, and food products have benefitted from these distributions by investing in research and development, infrastructure improvements, and improvements to pension programs. In doing so, companies have been able to continue operations and, in some situations, increased capacity.

Overall, disbursements have totaled $1.261 billion since its inception in 2000, $226 million in fiscal year 2005. Pennsylvania companies, alone, have received over $111 million in disbursements under CDSOA from fiscal year 2005 through fiscal year 2005 approximately $22 million annualy—approximately 9 percent of the total distributions.

Repealing or modifying this act would negatively impact U.S. workers and businesses, leading to the loss of the U.S. jobs to foreign competition, which would cost thousands of American workers their health insurance and pension benefits and contribute to the further outsourcing of Americans jobs.

This provision has had broad support in this body, where some 75 Senators have signed letters to the administration urging retention of this vital provision in the face of an adverse WTOP decision allowing countries to retaliate by imposing tariff surcharges on U.S. products.

Congress directed the administration to resolve the WTO issued in ongoing trade negotiations in the fiscal year 2004 and fiscal year 2005 ombinus appropriations bills, and the fiscal year 2006 CJS appropriations bill that became law last month. That language requires the administration to hold negotiations to recognize the right of countries to distribute duties collected from unfair trade as they deem appropriate.

I urge my colleagues to support the motion.

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated November 4, 2005, and a letter which I signed along with some 69 other Senators, dated February 4, 2003, be printed in the RECORD.

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