

wants these authorities to expire. I do not believe the President of the United States would be willing to let these provisions expire when we all agree they are important tools for our Nation's law enforcement authorities. It would be irresponsible and a dereliction of duty for the administration to allow these provisions to expire. By refusing to reauthorize these parts of the PATRIOT Act, the President and the Republican leadership are playing politics with the American people's safety.

We have bipartisan support for reauthorizing the PATRIOT Act. That was proven in a unanimous vote in the Senate. We want a 3-month extension of the PATRIOT Act in its current form so that we can pass a better bill than the one that came before the Senate today in the form of a conference report, a better bill that will have the confidence of the American people. The American people are afraid. They are afraid of Big Brother. We, this great country, should not become Big Brother. We need more checks in this law to protect the privacy of ordinary American citizens who have nothing to do with terrorism. I support giving the Government the tools it needs to fight terrorism. I voted for the first PATRIOT Act, but we need more oversight and checks to protect against Government overreaching and abuse of these tools.

We have had these years to find out how the first PATRIOT Act worked. We know there were problems with the first PATRIOT Act. We need to correct these problems. Just as Senator MCCAIN persuaded the President, we need to check potential excesses in interrogation tactics. We also need to ensure that we have put in place checks on the Government's power to trample on the privacy of innocent Americans.

I would hope people would understand that legislation is the art of compromise and that the Republican leadership in the Senate, in the House, and the White House should move to work on a compromise, accept our 3-month suggestion, giving Senators LEAHY and SPECTER, the leaders of our Judiciary Committee, time to work out the differences.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. President, I wish to quickly comment on another matter of vital importance to the country. It appears that the majority is strongly considering whether to hold our troops hostage at a time of war in order to sneak in a last minute special interest rider that cannot be passed within the Senate's rules. Senate Democrats support the Defense appropriations conference report, but it would be an egregious abuse of power on behalf of the oil and gas industry to allow the thing we call ANWR to violate the Senate rules and attach a special interest provision in this legislation. Because Republicans cannot get

the support for this provision in the House, the Senate would be asked to violate our rules so that the majority can reward its friends in the oil and gas industry.

We had procedures in the Senate where we lost on ANWR. It was placed in a bill called reconciliation. The House stripped it out. We did not. Let us play by the rules.

I do not support ANWR. It is the most important issue in America to the environmental community. There is no issue more important than ANWR. It is a sign of what this country is all about environmentally. If the majority proceeds along this course and is permitted to abuse its power and run roughshod over the Senate rules, there will be no prohibition against exceeding the scope of conference on any conference report. To further show the cynicism of people who are pushing this, they are telling people: Do not worry about it, we will violate the rules today, change precedent, and we will change them right back tomorrow.

This is an abuse of power. It would have far-reaching consequences for this body. It would be a huge mistake for the Senate and the American people. We can do better than that. Let us have a fair fight where we have winners and losers. That is the way ANWR was done. I was disappointed when that was lost, but it was lost fairly and squarely. Do not violate the rules. That is what I tell my friends on the other side.

We realize that with the 45 votes we have, we cannot do it on our own. We need help from people of good will on the other side of the aisle. There are people who believe as fervently in this environmental standard as I do, and I would call upon them to vote their conscience, to do what is right for this body and do what is right for this country. This is a procedural vote that makes the Senate different from any legislative body in the history of the world. The Senate is the greatest deliberative body in the history of the world. Do not be playing fast and loose with the rules that govern this Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE PATRIOT ACT

Mr. DURBIN. Mr. President, we have been informed that President Bush's radio address tomorrow will be about the PATRIOT Act. It is not a surprise. This is an important issue. It is one we

should discuss and should discuss as a nation.

We passed the PATRIOT Act because of our concern about the threat of terrorism. It is an act with over 100 different provisions in it. It was passed with only one dissenting vote in the Senate. It included sunset provisions on some controversial parts of it, so that 4 years after we passed it we could take another look to make sure that, in fact, we had done the right thing, we were not overstepping. We want to give our Government enough power to protect us, but we certainly don't want to surrender our basic rights and liberties if it is not needed.

So we had the reauthorization of the PATRIOT Act up before us and debated it in the Senate Judiciary Committee on which I serve. We reached a bipartisan consensus for reauthorizing that act, a unanimous vote at the Senate Judiciary Committee. I have never seen it on an issue of this magnitude, but it happened. I believe it was an indication that there is a reasonable way to craft the PATRIOT Act so that, in fact, it serves our needs of national security but does not go too far. That bill then passed the Senate on a voice vote. There was no controversy, no debate, because we had struck a legitimate bipartisan compromise.

Then the bill went to conference, and in conference other forces were at work. As a result of their work, the bill was changed. It was changed in significant ways, ways which I believe went too far, too far in giving the Government authority and power over our personal lives and privacy that is unnecessary. I believe that any person suspected of criminal or terrorist activity, any activity that is considered to be part of a terrorist network, should be treated in the harshest and most serious way. I want to keep America safe. I want my family, my children, everyone's family, to be safe. But I want to make certain that when we draw up this PATRIOT Act, we do not go too far.

As a result of the conference committee, a bipartisan group of Senators, Republicans and Democrats, came together in opposition to this conference report—a bipartisan group of Senators. Today, this morning, we had a vote on the Senate floor. This vote was what we call cloture, whether we will close debate, and as a result of the vote the matter is still open, still unresolved.

It is important to know one thing before the President's address. I hope the President will honestly tell the American people tomorrow what happened today in the Senate.

Early this morning, Senator FRIST, who is on the floor at this moment, the Republican majority leader, met with Senator HARRY REID, the Democratic leader, to discuss this important topic. At the time, Senator REID told him that we believed we were not going to close down debate on the PATRIOT Act and asked if there was a way that we could reach an agreement on a bipartisan basis to extend the bill, extend

the PATRIOT Act for at least 3 months.

We were unable to reach an agreement at that meeting.

Then on the floor Senator HARRY REID of Nevada, on behalf of the Democrats, offered before the vote to the Republican side of the aisle to extend the PATRIOT Act as it is presently written for 3 months so that there would not be any possible gap in coverage for the security of America. There was an objection from the Republican side.

After the cloture vote on the PATRIOT Act—in fact, cloture was not invoked—another motion was made, this time by Senator PATRICK LEAHY of Vermont. Senator LEAHY asked for a 3-month extension of the PATRIOT Act so we could work out the differences.

Not once, not twice, but three separate times today on the Democratic side of the aisle we have reached out to the Republican side of the aisle and said let us try to resolve our differences in a bipartisan way, let us try to make sure that we extend the PATRIOT Act so there is no question about the security of America.

Tomorrow the President will address this issue. I hope in the course of addressing it the President acknowledges the obvious. We have tried our very best on a bipartisan basis to extend the PATRIOT Act, once informally and twice on the floor of the Senate today, and all three times it has been rejected.

We will continue to make that offer on the Democratic side. We want to work this out. We want a good PATRIOT Act that protects America and protects our freedoms. We believe we can be safe in America and we can be free.

I think a bipartisan vote today is a message to the White House and to the House conferees that the Senate bill that was passed, a carefully crafted bill, is a bill that should get us into the reauthorization of the PATRIOT Act.

We stand ready to work with our Republican colleagues on a bipartisan basis to make sure we have a good, strong PATRIOT Act reauthorized and protecting America, and take out those objectionable provisions which go too far in invading the personal rights of and privacy of innocent American citizens.

I hope that particular scenario I described, which is on the official record today, is part of the President's message tomorrow.

I yield the floor.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mrs. HUTCHISON. Mr. President, the conference report on the authorization of the National Aeronautics and Space Administration is in its final stages of being approved. There are some things that are still to be worked out, but I am proud to have been the subcommittee chairman of the NASA

Science Subcommittee that produced—along with the House, of course, and the full Commerce Committee—what I think is an excellent authorization of our National Aeronautics and Space Administration.

I worked with my colleague, Senator NELSON of Florida, to produce a bill that does envision the flight to space, the flight to the moon again, and then to Mars. It is the vision laid out by President Bush in January of 2004. It is incumbent on Congress to lead the National Aeronautics and Space Administration and also to support it fully so that we will continue the vision that John F. Kennedy had when he said: We will put a man on the moon. Now we can take it the next step and put a man on Mars, a woman on Mars.

It is important that we understand that this is important not only because it is a huge feat and victory for the world that we can do this but also because we get so much basic science from making this commitment. It improves our quality of life right here on Earth.

This conference committee report does authorize funding for NASA at \$17.9 billion in 2007 and \$18.7 billion for 2008. That gets us on track to fund the shuttles that will continue to build out the space station and also to begin immediate work on the crew return vehicle that will be the next generation of vehicle going into space after the space station has been completed.

It is a congressional responsibility to set the parameters for what we do with NASA, and we are taking that responsibility seriously. We believe that we should finish the space station, finish the international commitment that we have made to our partners and allies who have put millions of dollars in the space station, and so that we can continue the basic science research necessary, not only for us to learn how we can live and work in space for those people who will be going to the moon again and then later to Mars but also for the basic geological findings we know we can find if we explore the Moon and hopefully Mars. And something that was said at one of our Commerce Committee hearings by Dr. Sam Ting of MIT, there is very important physics research that using the cosmic rays to determine how we might have alternative forms of energy is a very important purpose for the space station to be completed.

This report also designates the U.S. portion of the space station as a national laboratory so that we can bring other funds besides NASA funds, besides Government funds into the space station, and that will help make sure we are able to do the most possible research and make the best use of the space station. It demonstrates that Congress puts a great value on the research that can be done aboard the space station and also a great value on keeping our word to our international partners.

America must lead in the space exploration and science area, but we

must do it in collaboration with other countries. I don't think we should just consider ourselves competitors with other countries. If we are going to be the leader, we should lead. We should go forward. We should break the barriers. And we should share with others what we have learned for the good of mankind. That is exactly what this bill envisions.

It also supports aeronautical research. This has been a fundamental part of NASA activities since its inception. It will allow us to continue the great work that has been done in the past. It will assure that we take the next step toward the crew return vehicle that will replace the shuttle at the earliest possible time. We will accelerate that process.

I am very proud of this conference report. The House and Senate worked together very well. It was a bipartisan effort and a bicameral effort. We are going to see a new impetus for NASA with the support of Congress and the President. That is exactly what this country should be doing at this time.

I yield the floor.

HONORING OUR ARMED FORCES

STAFF SERGEANT DAN CUKA

Mr. JOHNSON. Mr. President, I am saddened to report the passing of SSG Dan Cuka of Yankton, SD. Staff Sergeant Cuka, a member of the South Dakota National Guard, was killed on December 4, 2005, while serving in Operation Iraqi Freedom.

Staff Sergeant Cuka was assigned to Yankton's Charlie Battery, 1st Battalion, 147th Field Artillery Unit. Charlie Battery was mobilized in July 2005 and deployed to the Middle East in October 2005. Staff Sergeant Cuka died when multiple improvised explosive devices detonated near his military vehicle in Baghdad, Iraq.

Dan is survived by his wife of 5 years, Melissa, and their children, Abby and Alex. Melissa remembers him as, "living each day of his life the way he chose based on devotion to his family and his passion for the military. We all believe Dan died doing what he strongly believed in." He was regarded as taking his military duty very seriously, and his leadership in his battalion reflected that. Dan was a devoted father who would do anything for his kids according to Melissa, "It wasn't just as a provider. He would get on the floor and play with them. He would take them places and have a good time with them."

The lives of countless people were enormously enhanced by Dan's good will and service. Although he did not live to see his dreams realized, he continues to inspire all those who knew him. Our Nation and South Dakota are far better places because of his life, and the best way to honor his life is to emulate his commitment to our country.

Mr. President, I express my sympathies to the family and friends of