

course of the representation of Native American tribes.

Both the Government and the defense are seeking trial testimony and documents from committee staff who assisted in the conduct of the Committee's investigation. The chairman and vice chairman of the committee would like to assist by providing necessary evidence in this trial, consistent with any rulings of the Court. Accordingly, this resolution would authorize committee staff, where appropriate, to testify and to produce documents in this case with representation by the Senate Legal Counsel.

**S. RES. 375 (PASSED THURSDAY,  
FEBRUARY 16)**

Mr. FRIST. Mr. President, S. Res. 375 concerns a request for testimony and representation in related criminal trespass actions in Concord District Court in the State of New Hampshire. In these actions, eight defendants have been charged with criminally trespassing on the premises of Senator JUDD GREGG's Concord, NH, office on December 5, 2005, for refusing repeated requests to leave Senator GREGG's office at the end of the business day in order to allow the office to close. Trials on the charge of trespass are scheduled to commence on or about March 1, 2006. The State has subpoenaed a member of the Senator's staff who witnessed the defendants' conduct. The enclosed resolution would authorize that staff member, and any other employees of Senator GREGG's office from whom evidence may be required, to testify in connection with these actions.

**S. RES. 376 (PASSED THURSDAY,  
FEBRUARY 16)**

Mr. REID. Mr. President pursuant to Senate Resolution 213, 109th Congress, the Senate authorized the Senate legal counsel to represent Senators JOHN MCCAIN and JON KYL in a pro se civil action in which the plaintiff complained that the Senator defendants violated their duties under the common law and the Federal Criminal Code by failing to investigate or prosecute the alleged commission of 1.6 million crimes. After the Senate legal counsel moved to dismiss the action, the plaintiff sought to amend the complaint to name 29 additional defendants, including Senators BILL FRIST, JOSEPH I. LIEBERMAN, MITCH MCCONNELL, RICK SANTORUM, and TED STEVENS, as well as 14 judges and 10 executive branch officials.

In a January 13, 2006, Memorandum Opinion and Order, the district court accepted the amended complaint for filing and dismissed it. The court held that plaintiff's criminal claims failed on the merits and that plaintiff's civil claims were barred under the Federal Tort Claims Act for plaintiff's failure to exhaust his administrative remedies under the act. The court also prohib-

ited the plaintiff from filing in that court any further claim arising out of the subject matter of the case against any of the 31 defendants.

Plaintiff appealed the dismissal of his case. Accordingly, this resolution would authorize the Senate legal counsel to represent the five additionally named Senator defendants on appeal in defending the dismissal of the amended complaint against all of the Senator defendants.

**LAURA DALE DUFFIELD**

Mr. KYL. Mr. President, I rise today to announce to the Senate the arrival in this world of Laura Dale Duffield. Miss Duffield was born to her parents Cara and Steven this last Friday, and is reported to weigh over 7 pounds. Her father, Steven, is the Judiciary Policy Analyst and Counsel for the Republican Policy Committee, which I chair.

I would like to take a moment to note for posterity some of the events taking place in the world at the time that young Laura joins us. Most important among the matters recently before the Senate, I think, is the confirmation several weeks ago of the nomination of Samuel Alito to be a Justice of the Supreme Court of the United States. In the fall of last year, the Senate also confirmed the nomination of John Roberts to be the Chief Justice of the United States. Steven played an important role in both confirmations, supplying Republican Senators with information and draft speeches about the nominees, and even staffing me on the Judiciary Committee during the nominees' hearings. This is the first time that there has been a change in the membership of the Supreme Court since 1994—before Laura's parents even began law school. Chief Justice Roberts replaces Chief Justice Rehnquist, who originally had been appointed to the Court in 1971, in between the time that Laura's parents were born. Justice Alito replaces Justice O'Connor, who had been appointed to the Court when Laura's parents still were in grade school.

In the years to come, we of course will have many opportunities to evaluate these two new Justices and their impact on the law. At the present time, based on what I saw of these nominees at their hearings before the Judiciary Committee, I think that they give us reason to be hopeful about the future. I think that we can reasonably expect both nominees to usher in a new era of the rule of law in this country—to restore the Supreme Court to its intended role, of declaring what the Constitution means in light of how it was reasonably understood when it was enacted. For many years now, Americans often have felt powerless at the hands of a Court that has pursued its own political agenda—an agenda without a basis in the text, structure, or history of the Constitution. I am optimistic that in the years to come, the Supreme Court might play a less prominent role

in American life, and might allow the American people and their elected representatives a more prominent role in making the laws that govern them.

This year also marks the 5th year since the terrorist attacks on the Trade Center in New York and on the Pentagon. Those attacks still set much of the national agenda, from the wars in Afghanistan and Iraq to the legislation that we are considering in the Senate. On the day that Laura was born, last Friday, the headline in the Washington Post was, "Patriot Act Compromise Clears Way for Senate Vote." I will include this news story in the RECORD following my remarks. Last December, the PATRIOT Act—an important antiterrorism law that enhances investigators ability to detect and disrupt terrorist plots—was held up in a legislative filibuster. Occasionally, the Senate takes to heart its intended role as a brake on legislative action and throws one of its periodic tantrums. But fortunately, just in advance of Laura's arrival, the impasse over this indispensable law has been cleared.

Finally, this moment in time also is marked in this place by legislative action on a slew of reforms to our civil justice and bankruptcy laws; an attempt to reform our immigration system and control our border; and an attempt to reverse the verdict of the Civil War by authorizing Native Hawaiians to secede from their State. Mention of these projects, however, serves only to highlight their insignificance relative to the arrival of a new child in the world. I doubt that Steven even will remember the laborious policy papers that he produced on all of these topics as he watches Laura grow older.

I congratulate Steven and Cara on the arrival of their daughter—on the fact that there is now one more person in the world whom we will all call "Duffield"—and I wish them good fortune in caring for and cultivating their new charge.

I ask unanimous consent that the following Washington Post news story be printed in the RECORD.

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

[From washingtonpost.com, Feb. 10, 2006]  
**PATRIOT ACT COMPROMISE CLEARS WAY FOR  
SENATE VOTE**  
(By Charles Babington)

Efforts to extend the USA Patriot Act cleared a major hurdle yesterday when the White House and key senators agreed to revisions that are virtually certain to secure Senate passage and likely to win House approval, congressional leaders said.

The law—passed in the wake of the 2001 terrorist attacks and scheduled to lapse in key areas last year—makes it easier for federal agents to secretly tap phones, obtain library and bank records, and search the homes of suspected terrorists. Several Democrats said the compromise announced yesterday lacks important civil liberties safeguards, and even the Republican negotiators said they had to yield to the administration on several points.

But with virtually all 55 GOP senators now on board, and Democrats joining them, the plan appears to have enough support to overcome the Senate filibuster that has thwarted a four-year renewal of the statute for months. Senators said they think the White House will be able to coax the Republican-controlled House to agree as well, even though House leaders have complained that senators' demands had weakened the measure.

"It was a bipartisan group of us that really believed we could do better . . . to protect civil liberties even as we gave law enforcement important tools to conduct terrorism investigations," Sen. John E. Sununu (R-N.H.) told reporters. He said that he and his fellow negotiators had to make more concessions to the administration than they wanted to, but that Congress will monitor the law's application over the coming years and perhaps revise it.

Sen. Richard J. Durbin (Ill.), one of several Democrats who agreed to back the compromise yesterday, said "it falls far short" of the bill that was passed by the Senate last year but rejected by the House. "But if you measure it against the original Patriot Act . . . we've made progress" toward "protecting basic civil liberties at a time when we are dealing with the war on terrorism," Durbin said.

Senate Minority Leader Harry M. Reid (D-Nev.) called the compromise "a step in the right direction."

The proposal would restrict federal agents' access to library records, one of the Patriot Act's most contentious provisions. A form of secret subpoena known as a National Security Letter could no longer be used to obtain records from libraries that function "in their traditional capacity, including providing basic Internet access," Sununu and others said in a statement. But libraries that are "Internet service providers" would remain subject to the letters, Durbin said.

The Senate proposal would no longer require National Security Letter recipients to tell the FBI the identity of their lawyers.

The compromise bill also addresses "Section 215 subpoenas," which are granted by the Foreign Intelligence Surveillance Act court. Recipients of such subpoenas originally were forbidden to tell anyone about the action. The proposed Senate measure would allow them to challenge the "gag order" after one year, rather than the 90-day wait in earlier legislation.

Sununu said the administration insisted on the longer waiting period. "You now have a process to challenge the gag order," he said, defending the concession. "That didn't exist before."

Sununu said he and his allies were disappointed that the compromise does not require agents to "show a connection to a suspected terrorist or spy" before obtaining a Section 215 subpoena. Instead, a FISA judge would have to agree that there are reasonable grounds to believe the items being sought are relevant to an investigation into terrorism.

Several liberals condemned the bill. "I am gravely disappointed in this so-called deal," said Sen. Russell Feingold (D-Wis.). "The White House agreed to only a few minor changes" that "do not address the major problems," he said, adding: "We've come too far and fought too hard to agree to reauthorize the Patriot Act without fixing those problems."

But Justice Department spokesman Brian Roehrke said the Senate compromise "maintains the tools necessary to fight terrorism while further strengthening safeguards to protect civil liberties."

"We are hopeful that the Congress will now move forward to renew the Patriot Act," he said.

In a related area yesterday, several Democrats said the administration must do more to explain and justify the domestic surveillance program conducted by the National Security Agency.

"If they came with the idea that this is going to stop an investigation on the part of the Senate intelligence committee, they were wrong," committee Vice Chairman John D. Rockefeller IV (D-W.Va.) told reporters after a closed briefing by two top administration officials. "There were certain kinds of questions which could easily have been answered but weren't. . . . Where we really wanted hard information that was important to us, that gave us the size and the scope and the reach and the depth of the program," he said, "they were not forthcoming."

Sen. Dianne Feinstein (D-Calif.) said after the briefing: "For the life of me, I don't understand why the administration won't say, 'Sure, you have a right to look at this. We'd like to expand it.'"

## ADDITIONAL STATEMENTS

### TRIBUTE TO WILLIAM A. COOPER

• Mr. COLEMAN. Mr. President, earlier this week, I paid tribute to Mr. William A. Cooper, honoring his career and service to the State at the occasion of his retirement. Today, I would like to have printed into the RECORD the following statement from the esteemed Minnesotan and former Senator Rudy Boschwitz in honor of our friend Bill Cooper.

The statement follows:

#### THE TAXPAYERS' FRIEND RETIRES (?)

Not many people can say they saved the taxpayers billions. Bill Cooper can. Well, some credit must be given to the team he brought to Minnesota and some locals that he found here and made a part of that team. But Bill was clearly the leader. Without him it is highly doubtful that TCF would have survived.

It must be mentioned at the very outset that without his wife, Sherry, it would have been highly doubtful that Bill himself would have survived, much less be able to endure the pressures and hours that first saving and then building a major institution entails.

It started about 20 years ago in the midst of the Savings & Loan crisis when S&L's were going broke left and right including some big ones here in Minnesota. The eventual cost to the taxpayer was in the neighborhood of \$100 billion. Extraordinarily high interest rates combined with poor management and complicated by the lugubrious sounding phenomena of disintermediation had brought S&L's nationwide to their knees. Twin City Federal Savings and Loan (TCF), the largest and mightiest of them all in the Upper Midwest, appeared to be the next candidate for failure and a Government bailout to protect its depositors.

But, finally the Directors of TCF acted. By a single vote margin (many credit Community Activist and Leader, Harry Davis, with casting that vote) their decision was to bring in a fellow named Bill Cooper to save the sinking ship—though I suspect those embattled Directors must have had considerable doubt about the prospects for success.

My estimate may be wrong, but I suspect a TCF failure would have been one of the bigger ones nationally and cost the taxpayer \$3 billion or more.

Instead, today TCF National Bank with its 500+ branches is a strong growing institution

with stockholder value exceeding \$3 billion. And much to Bill Cooper's credit, that value has been spread generously to his team (and other stockholders) returning riches beyond the dreams of the many who joined under Bill's leadership to create a new TCF.

This commendation could as well be entitled "Only in America." I don't know the intricacies of Bill's life from his boyhood forward, but I do know that he was a policeman on the beat in Detroit; that he went to college in the evenings; got his degree in accounting and joined the many other young aspirants as an "associate" at a large national accounting firm. There he was put to work auditing bank clients and the rest, as they say, is history.

I joined the Board of TCF in 1991. The stock was about \$2½ at the time (naturally I didn't buy enough of it). I served on the Board for about 9 years till my 70th birthday when the by-laws stipulated my retirement, though my feeling of closeness to the institution and its people continues unabated. It should! I continue to contribute to it's PAC and am the recipient (for another 3-4 years) of a retirement income from TCF.

I have been a Director of a number of national corporations. None has been as well managed as TCF. A single word summarizes Bill Cooper's role: Leadership. It is a totally focused leadership. At TCF there is no question about who is in charge. It is Bill Cooper (and with Lynn Nagorske as CEO I suspect there will continue to be no question). Bill has no problem in being tough, direct and fair. Bill does not turn away from the vagaries of the most difficult decisions. He is a remarkable leader both at the Bank and in his Community. The fact that in my 15-year association there have been few leadership changes at TCF—other than through retirements—attest to the quality and strength of Bill's leadership which includes delegating responsibility and expecting and very objectively measuring performance.

Does such a man really retire? I don't think so. Certainly not entirely. Not a man of Bill's curiosity and drive. Besides, he still has young kids in school and college educations loom ahead. The idea of Bill sitting around, playing golf, and not rising to new challenges is incongruous. It won't happen. And it will be fun watching what develops. •

### PENSION RIGHTS CENTER'S 30TH ANNIVERSARY

• Mr. HARKIN. Mr. President, I would like to recognize the great achievement of the Pension Rights Center as it celebrates its 30-year anniversary. Since its founding on February 17, 1976, the center has championed the pension rights of working Americans and their families. The center is one of the country's foremost leaders on pension issues from a consumer perspective and has made an enormous difference in the lives of millions of workers, retirees and their families.

Over the years, the center has played a key role in identifying pension inequities and promoting reasonable solutions. They have played an instrumental role in shaping and ultimately helping to secure Federal laws and regulations that have expanded pension rights for widows, divorced spouses, and working people. The center is also the most trusted resource for pension information for policymakers, researchers, and the media on the highly complex pension issues translated from a consumer perspective.