

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 413. A resolution commending the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III National Basketball Championship; considered and agreed to.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. Res. 414. A resolution celebrating the musical and cultural heritage of country music and recognizing the "Country: A Celebration of America's Music" festival at the John F. Kennedy Center for the Performing Arts; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 117

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 709

At the request of Mr. DEWINE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor

individuals who commit crimes against children or sex offenses.

S. 1158

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1158, a bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings.

S. 1343

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1815

At the request of Mr. ALEXANDER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2014

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2014, a bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2198

At the request of Mr. DOMENICI, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2278

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2322

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2416

At the request of Mr. BURNS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2460

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2460, a bill to permit access to certain information in the Firearms Trace System database.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 357

At the request of Mr. MCCAIN, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. Res. 357, a resolution designating January 2006 as "National Mentoring Month".

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 410

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 410, a resolution designating April 2006 as "Financial Literacy Month".

AMENDMENT NO. 2954

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 2954 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2970

At the request of Mr. SUNUNU, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2970 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2980

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2980 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2981

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2981 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2983

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2983 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 2468. A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, one of the issues that has been hovering over

this Chamber—and this country, of course—is the NSA program, the President's program to do wiretaps on American citizens if part of the call originated in a foreign country.

First, let me stress that I think most of us in this Chamber, Democrat and Republican—certainly myself—believe the President should be given the tools he needs to fight terror. In this brave new world, the tools are different, and because a rule worked in 1960 or 1980 does not necessarily mean it works in 2005 or 2006 or 2004. We have to be flexible. I think you can be flexible in a way that both protects our security and protects our liberty. In most issues, this does not conflict. My watchword on most of these issues is: Have a debate, have a standard, and have an independent arbiter check that that standard is being met.

That worked, for instance, in wiretaps. Before 1971, it was a mess. J. Edgar Hoover was listening in on whomever he chose. There was a debate on this issue. There was a standard—probable cause—and there is an independent arbiter, a federal judge, who determines whether probable cause is met. And it works. Neither the prosecutors nor the defense bar have any complaints.

We could come to the same exact conclusion in the new world we face, where warrants are needed far more quickly regarding many more people. If you are doing information gathering where you look for patterns, that might be needed. Again, because one way worked in the past doesn't mean it still works, and I think most Members, myself included, want to be flexible. The problem is when the executive branch arrogates this issue to itself and says, We can decide to do whatever we want, either under the constitutional executive power—that is pretty broad—or even under a grant of war powers, a grant to use force which, as most know, I supported back when the President asked for it in 2001.

Now there is a great debate. The President and his supporters say he was allowed to do these wiretaps without changing the law, without congressional approval. Some on the other side say he never should have been allowed to do it. I think that is a small minority. Many others say: Yes, he should be allowed to do it, but there ought to be a congressional debate, a change in the law, and perhaps a standard would be applied.

Right now we are deadlocked on that issue. We are deadlocked because, whether it is the Intelligence Committee, the Judiciary Committee on which I serve, this body in general, or the Nation—nobody knows, did the President go outside the ambit of the law about asking for a warrant? Some think yes, and they are pretty sure of that. Some think no, and they are pretty sure of it. They are pretty sure that he couldn't. Many are not sure at all.

I ask you, who is the logical group or person to make that determination?

The executive branch generally through our history has had a lean to expand executive power. That is natural.

The legislative branch has had a lean on the other side. That is how the Founding Fathers set up our Government in their wisdom and it seems to have worked very well ever since 1789. To say we should just go along with what the executive branch wants is not going to work. Frankly, even though I am a Senator and believe in protecting the legislative prerogative, if we only did what the legislative branch wanted, that probably wouldn't work, either; and, needless to say, we are divided on this.

The most logical place for this to be settled is in the U.S. Supreme Court. They don't side with executive or legislative power, necessarily. They are authoritative, they are respected, in a sense they are the supreme arbiters, and they could put this question to rest and we could move on.

There is one difficulty. There will be people who will challenge these wiretaps through the normal process and we might get to the Supreme Court in 3 or 4 years. During all that time, the gridlock and deadlock we face on this issue, and the concomitant gridlock and deadlock that occurs in other issues related to this, would be hanging over this body. So I tried to figure out how can we get the Supreme Court to hear this case quickly.

The bill I am introducing right now will do just that. We have consulted some expert authorities and there are two basic problems—one easier, one harder. The easier is to simply expedite the judicial process, to grant expedited review. The minute a case is decided in the district court, it goes right up to the Supreme Court because time is of the essence—and I believe it is here. We have good precedent for this. It was done recently so the Supreme Court could hear on an expedited basis McCain-Feingold, and they came to a conclusion, and elections could be held and we moved forward. That is a typical example of where you would do that.

Our bill does grant such expedited review. But what about standing? How do you quickly get into the district court to do this? And, by the way, I have a feeling very few in this body would want to grant an expedited hearing to someone who might be participating in or accused of terrorism. So you have a dilemma that, while you want expedited review and it would seem logical that the Supreme Court should be the place, the cases that are out there are not the ones that would seem to merit that kind of expedited review—a special case; particularly if someone is accused of terrorism. We in New York know better than anywhere else that is a dastardly act.

What we have done—frankly, in consultation with some leading experts on this—is we have granted standing to a