

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON PRESIDENT PRO TEMPORE FOR TRAVEL FROM JUN. 9 TO JUN. 13, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Sessions:									
France .....	Euro .....		396.00						396.00
Dr. John Eisold:									
France .....	Euro .....		396.00						396.00
Dave Schiappa:									
France .....	Euro .....		396.00						396.00
Keith Kennedy:									
France .....	Euro .....		396.00						396.00
Terry Sauvain:									
France .....	Euro .....		396.00						396.00
Sid Ashworth:									
France .....	Euro .....		396.00						396.00
Charlie Houy:									
France .....	Euro .....		396.00						396.00
Lesley Kalan:									
France .....	Euro .....		396.00						396.00
Mazie R. Mattson:									
France .....	Euro .....		396.00						396.00
Betsy Schmid:									
France .....	Euro .....		396.00						396.00
Stewart Holmes:									
France .....	Euro .....		396.00						396.00
Kay Webber:									
France .....	Euro .....		396.00						396.00
Shannon Hines:									
France .....	Euro .....		396.00						396.00
Richard Bender:									
France .....	Euro .....		396.00						396.00
Total .....			7,524.00						7,524.00

TED STEVENS,  
Chairman, Committee on President Pro Tempore, July 22, 2005.

**AUTHORITY TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS**

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and majority whip and both Senators from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

**NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005—MOTION TO PROCEED**

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 101, S. 147, the Native Hawaiians bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 101, S. 147: A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

Bill Frist, Jon Kyl, Gordon Smith, Orrin Hatch, Lincoln Chafee, Chuck Grassley, Lindsey Graham, Norm Coleman, Daniel Inouye, Daniel K. Akaka, Patrick Leahy, Harry Reid, Dick Durbin, Patty Murray, Jack Reed, Dianne Feinstein, Herb Kohl.

Mr. FRIST. Mr. President, I am happy to yield to the Senator from Hawaii for a comment on the Native Hawaiians bill.

Mr. AKAKA. Mr. President, I thank the Majority Leader. I rise today to express my thanks to the Majority Leader for laying down the cloture petition on the motion to proceed to S. 147. As many of my colleagues are aware, I have worked closely with Hawaii's senior senator to bring the Native Hawaiian Government Reorganization Act to the Senate floor for debate and vote. We have struggled for five years to bring this bill to the floor.

I applaud the Majority Leader and the Democratic Leader for their efforts to uphold a commitment that was made last year for a debate and vote on the Native Hawaiian Government Reorganization Act prior to the August recess. While I am very disappointed that we were not able to consider the bill, I look forward to action on S. 147 when we return in September.

This is a bipartisan bill which is widely supported in Hawaii. The bill is supported by Hawaii's Governor, Linda Lingle, the first Republican governor in Hawaii in 40 years, who testified in strong support of the bill before the Senate Committee on Indian Affairs. The bill is also supported by the Hawaii State Legislature which passed resolutions in support of the bill in 2000, 2001, and 2005. The bill is cosponsored by Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUE, MURKOWSKI, SMITH, and STEVENS. I want to especially thank the bill cosponsors who have actively worked with us to try to get this bill before the Senate.

S. 147 sets up a process for the reorganization of the Native Hawaiian governing entity for the purposes of a fed-

erally recognized government-to-government relationship. Congress has always treated Native Hawaiians in a manner similar to that of American Indians and Alaska Natives because of its recognition of Native Hawaiians as indigenous peoples.

Some have argued that Native Hawaiians are not native "enough" for a government-to-government relationship. There is no doubt that Native Hawaiians are indigenous to Hawaii. There is no doubt that Native Hawaiians exercised sovereignty over the Hawaiian archipelago. There is no doubt that Native Hawaiians had a governing structure and entered into treaties with the United States, similar to that of their American Indian and Alaska Native brethren.

Where we differ is that whereas most tribes have been allowed to retain their governing structure, Native Hawaiians, following the overthrow of the Hawaiian Kingdom, were forbidden from maintaining their government. Native Hawaiians did, however, maintain distinct communities, and retained their language, customs, tradition, and culture despite efforts to extinguish these "native" practices.

The bill does not create a new relationship—Congress has long recognized its legal and political relationship with Native Hawaiians as evidenced by the many statutes enacted to address the conditions of Native Hawaiians. This bill does not create a new group of natives—we have always been here, in fact we were here before the United States. Rather, this bill establishes parity in federal policies towards native peoples in the United States by formally extending the federal policy of self-governance and self-determination to Native Hawaiians.

I look forward to a full and thorough debate on this bill in September. I urge all of my colleagues to support the petition to invoke cloture—after five years, the people of Hawaii deserve to have this issue considered by the Senate. If you oppose the bill, then vote against it, but give us the opportunity to debate the merits of this bill. Unfortunately, there are some in this body who do not even want to allow us to debate this issue. I ask them to carefully consider their position over the August recess. While I respect their ability to use Senate procedure to prevent us from considering this measure, I do not agree with their tactics. I believe the people of Hawaii deserve more than that—we deserve a full debate and up or down vote on this bill.

Once again, I thank the Majority and Democratic leaders for working with us to bring this issue before the Senate for its consideration.

Mr. FRIST. Mr. President, through the Chair, I thank the distinguished Senator from Hawaii.

I ask unanimous consent that notwithstanding rule XXII, this cloture vote occur at 5:30 on Tuesday, September 6, with the mandatory live quorum waived.

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

Mr. FRIST. Mr. President, I withdraw my motion.

#### DEATH TAX REPEAL PERMANENCY ACT OF 2005—MOTION TO PROCEED

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 84, H.R. 8, the death tax repeal, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 84, H.R. 8: To make the repeal of the estate tax permanent.

Bill Frist, Jon Kyl, John Thune, James Inhofe, Lamar Alexander, Richard Burr, Pat Roberts, Christopher Bond, John E. Sununu, Michael B. Enzi, Johnny Isakson, Conrad Burns, Mike Crapo, Larry Craig, Elizabeth Dole, Rick Santorum, Richard G. Lugar.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory live quorum be waived and that this vote occur immediately after the previously filed cloture motion, if not waived.

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

Mr. FRIST. Mr. President, this procedure has now set a cloture vote on the motion to proceed to the Native Hawaiians legislation. That vote will occur at 5:30 on Tuesday when we return. If cloture is invoked, we will stay on that motion until it is disposed of. If cloture

is not invoked, we will proceed to a vote on the cloture motion to proceed to the death tax.

#### USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3199, the House-passed PATRIOT Act reauthorization bill. I further ask unanimous consent that all after the enacting clause be stricken, the text of the committee-reported substitute to Calendar No. 171, S. 1389 be inserted, the bill, as amended, be read a third time and passed, and the Senate insist on its amendment and request a conference with the House with a ratio of six to four.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I intend to be very brief. Tonight the Senate is passing the renewal of the USA PATRIOT Act by unanimous consent. It is certainly not often that such a procedure would be used for a statute of such extraordinary importance. I believe that it is possible to fight terrorism ferociously without sacrificing civil liberties. Tonight I remain concerned that there will be an effort in the conference between the House and the Senate to authorize what are known as administrative subpoenas for the FBI under the law. These administrative subpoenas are warrants that FBI field offices can write themselves without having to make an application to a judge.

Under an administrative subpoena, an FBI field office could get records secretly for just about anything from just about anybody. Here is an example of how intrusive these administrative subpoenas could be. There are 56 field offices, one in almost every major city. The head of a field office could issue an administrative subpoena to a hospital director and ask for all of the hospital's medical records simply by claiming they were relevant to an investigation, the hospital director was busy or didn't have the resources to make a challenge. No judge would ever see the subpoena. The patients would not know their records had been seized. They would be totally in the dark. Your mother's, your husband's, your own medical records could move into the Government's hands, and you would be none the wiser.

Despite the very aggressive efforts in the Senate to include this power to conduct these what I believe are fishing expeditions, it is not in the version of the PATRIOT Act that is being passed tonight, since it is not in the House bill either. My view is that under rule XXVIII, it would be outside the scope of the conference to include

these administrative subpoenas in any form in the PATRIOT Act. If I am informed later that it is in the conference report in some form, I will make a point of order at that time and the conference report would fall.

Finally, I want to state that I commend our leader, Senator REID and Senator LEAHY, for their handling of this. I know Senator DURBIN has been very involved in these issues for years as well. I also want to commend Chairman SPECTER who has talked with me about the PATRIOT Act on a number of occasions. We can strike a balance. We can ensure that we pull out all the stops to fight the terrorists without throwing our civil liberties into the ash can. If these administrative subpoenas show up in that conference report, that will skew the balance that is so important to make sure we can win the war on terrorism but also to protect the rights that we have brave men and women fighting for.

I yield the floor.

Mr. REID. Mr. President, last week, after negotiations that went late into the night and early morning, the Judiciary Committee unanimously approved S. 1389, a bipartisan, compromise bill to build on the PATRIOT Act.

This bill, entitled the USA PATRIOT Improvement and Reauthorization Act of 2005, is not perfect. Like all compromises, it includes provisions that are not supported by everyone in this body. However, Democratic and Republican members of the Judiciary Committee came together in a spirit of cooperation and compromise to agree on this bill, and I strongly support it.

I am very pleased that we have also been able to bring Republicans and Democrats together in the full Senate to pass this bill by unanimous consent. Given the divisions we have seen over this legislation in the years since it was passed, I believe it is very important for our Nation and for the American people that we have been able to compromise and to come together in a spirit of bipartisanship to pass this legislation unanimously.

This bill preserves the vital tools the Government needs to protect our national security. At the same time, it puts in place some important checks on the expanded authorities granted the government by the original PATRIOT Act.

Although Members of both parties may feel there are additional improvements that can be made to this bill, Senate Democrats have agreed to join our colleagues on the other side of the aisle to take up and pass the compromise legislation approved unanimously by the Judiciary Committee with no amendments in order.

The President and other officials in his administration have repeatedly called upon Congress to renew the PATRIOT Act as quickly as possible. Senate Democrats agree with the President that we should reauthorize the PATRIOT Act and do so quickly. We