

particular immigrant community. Under section 215, the Government could go to the library in that community and demand the records of library cardholders to see which individuals are reading what. What about someone reading scientific texts, maybe even Smithsonian or one of the magazines people read dealing with automobiles, or Scientific American? Are these people considered terrorist threats?

A court challenge to a section 215 order must be conducted in secret. At the Government's request, the recipient is not permitted to review Government submissions regardless of whether the Government has any national security concerns in that particular case. Moreover, the conference report does not permit any challenge to the automatic permanent gag order under section 215.

Third, the conference report contains sections not included in either the House or Senate bills limiting the right of habeas corpus in cases that have nothing to do with terrorism. These provisions have not been passed by the Senate or the House. One provision would eliminate judicial review of whether a State has an effective system in providing competent lawyers in death penalty cases. That does not belong in this. Such a far-reaching change should not be inserted in an unrelated conference report.

There are many other problems with the conference report that leaves largely in place a definition of domestic terrorism so broad it could be read to cover acts of civil disobedience. For example, a few days ago we had members of the clergy who, believing that the budget before the House and the Senate is immoral, were protesting, saying it is a bad budget. There were a number of arrests. Are these individuals to be deemed domestic terrorists? They could be under the conference report.

The conference report still contains a catchall provision that authorizes a government to conduct a sneak-and-peek search upon a showing that notice would seriously jeopardize an investigation. Sneak and peek, what does it mean? It means they can go into your home, look around, see if there is anything that is incriminating, and then come back out and seek permission to use what they have obtained all without telling you—which I believe is un-American.

As many critics of the bill have observed, a good prosecutor could fit about any search under this provision. I say "good" prosecutor any prosecutor. He wouldn't even have to be good.

The Justice Department reported 90 percent of the searches that have taken place under sneak and peek under this act have nothing to do with terrorism. For these and other reasons, this conference report does not meet the American standard. It certainly should not merit Senate approval.

Fortunately, we do not face the choice of accepting this conference re-

port or allowing the 16 PATRIOT Act provisions to expire. I am a cosponsor of S. 2082, introduced by Senator SUNUNU, to enact a 3-month extension of the expiring PATRIOT Act so we can take the time we need to produce a good bipartisan bill that will have the confidence of the American people.

The majority leader said previously he won't accept such a 3-month extension. I hope, if we fail in invoking cloture, he would reconsider this. I am confident in the end that it would be so much better that we extend this for 3 months to see if we can reach an acceptable goal.

Based on that, I ask unanimous consent the cloture vote be vitiated, the Judiciary Committee be discharged from further consideration of Senator SUNUNU's bill, S. 2082, the 3-month extension of the PATRIOT Act, the Senate proceed to its immediate consideration, the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there an objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, with regard to the unanimous consent request, I need to be clear once again, and I have over the last couple of days, that I absolutely oppose a short-term extension of the PATRIOT Act. The House of Representatives opposes such an extension and the President will not sign such an extension. Extending the PATRIOT Act does not go far enough.

It is time to bring this to a vote this morning. We will see what the outcome of that vote is in terms of ending debate. I don't understand why opponents of the PATRIOT Act want to extend legislation at this juncture that has been fully debated, that has been the product of reasonable compromise and in a bipartisan way over the last several weeks and months.

With an extension, if that were to be the case, we would not be able to take advantage of the civil liberty safeguards that have been placed in the conference report, the additional provisions on protecting our ports, on addressing money laundering by terrorists, protection of our railways and mass transit systems, fighting methamphetamine abuse.

The PATRIOT Act represents a historic choice, a clear choice: Should we take a step forward or should we take a step backward in keeping America safe?

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I will continue to work to reauthorize the PATRIOT Act in a way that gives the Government needed tools to protect national security while placing sensible checks on those expanded powers.

I apologize to all my colleagues. I am sorry I took more time than I should

have. I know there is a lot to do. I appreciate everyone's courtesy.

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the next 15 minutes is supposed to be controlled by the minority leader or his designee.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent that I be able to proceed to a piece of legislation before we go to morning business. I think we have it agreed to and worked out.

The PRESIDING OFFICER. Is there objection to proceeding?

Hearing none, the Senator is recognized.

UNANIMOUS-CONSENT REQUEST— H.R. 4440

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328, H.R. 4440.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, through the Chair to the distinguished junior Senator from Mississippi, it is my understanding this is the Katrina matter we spoke about last night.

Mr. LOTT. It is, Mr. President.

Mr. REID. Mr. President, I would say to my friend, we are very close to being able to have that cleared on this side. In fact, I have been very busy since early this morning. I have not had a chance to check with even my staff on this yet. But I think we are close to being able to do something very quickly. So, therefore, I object.

Mr. LOTT. Mr. President, let me say to Senator REID, I have been working with the Senator and both sides of the aisle, and we are trying to make sure everybody understands what we are doing here. This is very critical legislation to aid the Katrina victims in all the affected States, including Texas, Louisiana, Mississippi, and Alabama.

I hope we can get this agreed to shortly before we get into the extended debate with regard to the other legislation, the PATRIOT Act. So as soon as we could get notification from the Democratic leader, we are ready to proceed. I will be standing by waiting for that opportunity because there are thousands of people waiting for this help, and they need it now.

I thank Senator REID. And since he has objected, I will withhold at this time but will be on standby ready to go momentarily.

I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, what is the regular order now? Are we in morning business for 15 minutes to the minority and 15 minutes to the majority?

The PRESIDING OFFICER. The first 15 minutes of morning business is to be controlled by the minority, the second 15 minutes by the majority.

Mr. GREGG. Mr. President, therefore, ask that at the end of the minority's time I be recognized for 5 minutes. I ask unanimous consent to be recognized for 5 minutes of the period that the majority has.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

FORMER SENATOR WILLIAM PROXMIRE

Mr. KOHL. Mr. President, I rise today to mourn the passing and celebrate the life of William Proxmire—a great Senator, a great Wisconsinite, and a great man. It is particularly fitting that we pay tribute to Senator Proxmire during this first part of morning business—time he virtually always controlled during his over 30 years in the Senate. He was a giant in the Senate in a time when this Chamber was filled with giants. He followed his conscience, lived his principles, said what he thought, and thought more actively and deeply than most.

Senator Proxmire came to the Senate in 1957, winning a special election to fill the seat of Joseph McCarthy. Overjoyed at a Democratic pickup in a narrowly divided Senate, Majority Leader Lyndon Johnson met Proxmire at the airport to shake his hand. Two years later, Senator Proxmire was on the floor of the Senate calling LBJ a “dictator” in a speech dubbed by the press as “Proxmire’s farewell address.”

But that was Prox: independent, outspoken, and not at all afraid to challenge conventions or conventional wisdom. In fact, there was very little that was conventional about William Proxmire.

He was a Democrat but not a reliable vote for the Democrats—or the Republicans, for that matter. He was fiercely protective of consumer rights, civil liberties, and oppressed minorities all over the world—a true liberal Democrat on social issues. But he also had a legendary frugal streak, perhaps a product of his Harvard business school background. He believed in the free market and business competition, and hated to see money wasted. His Golden Fleece awards and relentless scrutiny of Department of Defense procurement were renowned—and shamed the powers-that-be into saving many hundreds of millions of taxpayer dollars.

He did not accept sloppiness or waste in Government or in the conduct of his own business and personal affairs. He started each day with hundreds of push-ups and a 5-mile run. He demanded of his office the same sort of efficiencies he demanded from the rest of Government and returned one-third of his office budget to the Treasury every year.

He was as disciplined as he was determined. He still holds the record for

most consecutive rollcall votes: 10,252 between April of 1966 and October of 1988. And there are colleagues still serving today who remember his daily morning business speeches on the Senate floor.

Most of these speeches were on the Convention on the Prevention and Punishment of the Crime of Genocide. This convention languished in the Senate for over 20 years, viewed as a lost cause by its few supporters. But not William Proxmire. He gave a speech about the convention every day the Senate was in session from 1967 to 1986, when the convention was ratified by the U.S. Senate by a vote of 83 to 11—3,211 speeches in all. One former staff member remembers that Senator Proxmire was often the only Member on the floor during his speeches, so he concentrated on the Presiding Officer. So one by one, he reasoned and cajoled his captive colleagues into supporting this seminal human rights measure.

William Proxmire didn't only fight for his principles, he lived them. He was the last of the true populist politicians, who took no campaign contributions, spent virtually nothing on his campaigns, and shook the hand of almost everyone in the State of Wisconsin—whether they supported him or not. Though he broke every rule of modern campaign strategy, he won his reelections in landslides and was beloved by the people of Wisconsin.

Senator Proxmire leaves behind his wife Ellen, five children, and nine grandchildren. He also is mourned by his Senate family, both those Senators who served with him and the members of his staff renowned for their professionalism, intelligence and loyalty. Neither Wisconsin nor the Senate will see his equal again, and both are the poorer for his passing.

Mr. President, I yield the floor to my colleague from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the senior Senator from Wisconsin, my friend.

Mr. President, anybody who grew up in Wisconsin in the second half of the 20th century regarded William Proxmire as a consummate Wisconsin political figure.

I rise, too, with great sadness to pay tribute to one of Wisconsin's and the Nation's great public servants. Senator Proxmire passed away early yesterday morning at the age of 90. He was, simply put, a legend in Wisconsin, a man who represented the very best of our State, and who will be remembered as one of the greatest advocates for a better government, and a healthier democracy, to ever serve in this body.

On this very floor he railed against Government waste, and against corruption. I think the American people can be grateful to Bill Proxmire for so many things. But, perhaps most of all, we owe him a debt of gratitude for his work to change the culture in Congress when it comes to wasteful spending.

He didn't buy into a culture that treats Government spending like a tab that someone else will pick up, that tucks pork-barrel spending into bills late at night, or lets boondoggles slip by unnoticed. He knew that sunlight was the best disinfectant, and he wasn't afraid to tear down the drapes, throw open the windows, and let the sun shine in on the legislative process. He didn't shy away from public outrage about what was wrong with the system—he brought that outrage to bear as he fought to change the system for the better. Anyone who comes to the floor today to try to put the brakes on a wasteful project, or to try to push for budget discipline, can thank Bill Proxmire for the example he set, and for the way he challenged the status quo.

I am not just grateful for what Bill Proxmire did for our State, and our country, but, frankly, for the many things that he taught me. He was a tireless representative for our State. Watching Proxmire, you couldn't help but learn how important it was to listen—really listen—to the people you represent, and how much you can learn from that genuine exchange of ideas. When Bill Proxmire hit the campaign trail, it wasn't about a barrage of expensive ads. It was about connecting with voters and giving them a chance to have their say—even when they said something you didn't agree with. As he once joked, “The biggest danger for a politician is to shake hands with a man who is physically stronger, has been drinking and is voting for the other guy.” And he knew that from experience because nobody—nobody ever in the history of American politics, I believe—shook more hands than Bill Proxmire.

And the people of Wisconsin loved him for it. After an early career of some tough defeats, once he won, he just kept on winning, with reelection margins of 71 percent of the vote in 1970, 73 percent in 1976, and 65 percent in 1982, when he ran for a fifth 6-year term. Incredibly, in those last 2 reelection campaigns he was reelected despite refusing contributions altogether. A lot of the money he did spend in his campaigns was on postage to return donations.

As somebody who wanted to run for public office myself, and as somebody who kept being asked again, “where are you going to get the money to run?” Bill Proxmire gave me hope. His example helped me to believe that you can run on ideas, not just on money. And that example didn't just help me in my run for office, it helped inspire me in the fight for the McCain-Feingold campaign finance reform bill, and the ongoing fight against the undue influence of money in politics.

His example of real shoe-leather campaigning went hand in hand with his work on open Government. He didn't just want to be accessible himself, he thought all of Government should be open and responsive to the people it served.