

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?