

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arisen, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

USA PATRIOT ACT ADDITIONAL
REAUTHORIZING AMENDMENTS
ACT OF 2006—Continued

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD. Mr. President, in a few minutes the Senate is going to vote on whether one small group of Senators, with the blessing of the majority leader, can effectively amend a conference report while other Senators are precluded from offering amendments by a procedural tactic. I urge my colleagues, regardless of their views on the White House deal or PATRIOT Act reauthorization, to vote against cloture. Senators should not be precluded from offering amendments to important pieces of legislation.

In December, 46 Senators voted against cloture on the PATRIOT Act reauthorization conference report. The deal we are asked to bless today makes only minor or, in the words of the Senator from Pennsylvania, "cosmetic" changes to that conference report. But regardless of whether you agree with me that the deal does not address the key civil liberties issues identified as problems with the conference report in December, there is no question this is a deal the vast majority of the Senate had no role in. A few Senators worked out a few changes with the White House, and we are now being asked to take it or leave it. That is not how the Senate is supposed to work.

I have filed four reasonable amendments. They reflect provisions that were included in the bill the Senate passed in July without objection or that were central to the concerns raised by so many Senators late last year. They are so reasonable the Senator from Pennsylvania plans to introduce a bill incorporating them and has pledged to pursue it after the conference report becomes law. There is no reason we should put off addressing these important concerns that long when we could be debating and voting on them this week.

I am also willing to have time agreements limiting debate on my amendments as long as they get votes. But, again, the majority leader has simply

said no. He has filled the amendment tree, effectively blocking me or any other Senator from trying to improve this bill during debate. The majority leader has told us the conference report will be amended by this deal cut with the White House by a few Senators, and there is nothing the rest of us can do about it.

But, of course, there is something we can do about it. We can reject this parliamentary game. These kinds of strong-arm tactics are not right. They are an abuse of the process. They are beneath the Senate, and I hope my colleagues will send a strong message that it will not be tolerated on this bill or any other bill. So I urge my colleagues to vote no on cloture and to allow the Senate to consider amendments to improve the PATRIOT Act.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MAKING AVAILABLE FUNDS FOR
THE LOW-INCOME HOME ENERGY
ASSISTANCE PROGRAM, 2006—MO-
TION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 363, S. 2320, the LIHEAP 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 assistant 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 S. 2320: a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Bill Frist, Lindsey Graham, John Warner, Norm Coleman, Lisa Murkowski, George Allen, Lamar Alexander, Elizabeth Dole, Rick Santorum, Susan Collins, Mitch McConnell, Ted Stevens, Christopher Bond, George Voinovich, John Thune, Johnny Isakson, Orrin Hatch, Craig Thomas.

Mr. FRIST. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

USA PATRIOT ACT ADDITIONAL
REAUTHORIZING AMENDMENTS
ACT OF 2006—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant 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 S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, Arlen Specter, Thad Cochran, Richard Burr, Mel Martinez, Jim Bunning, Jon Kyl, Craig Thomas, Mike Crapo, David Vitter, Bob Bennett, Norm Coleman, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Saxby Chambliss, John Cornyn, John Thune.

Mr. REID. Mr. President, I rise to explain why I will oppose cloture on the PATRIOT Act Amendments Act. In brief, I will vote against cloture to register my objection to the procedural maneuver under which Senators have been blocked from offering any amendments to this bill.

While I will vote against cloture, I nonetheless support the underlying bill offered by the Senator from New Hampshire, which improves the PATRIOT Act. The Sununu bill puts in place more checks on the expanded authorities granted to the Government by the PATRIOT Act, without interfering with the Government's ability to protect Americans from terrorism.

I support the PATRIOT Act. I voted for it in 2001, and I voted for a reauthorization bill that passed the Senate unanimously last summer. In December, however, I voted against cloture on a conference report to reauthorize the PATRIOT Act. I opposed that bill because it returned from the House-Senate conference without adequate checks to protect the privacy of innocent Americans.

In my view Congress should give the executive branch the tools it needs to fight terrorism, combined with strong oversight to protect against Government overreaching and abuse of these tools.

Senator SUNUNU has negotiated several needed improvements with the White House. His bill would allow for judicial review of the gag order imposed by the PATRIOT Act when the Government seeks business records. It would also restrict Federal access to library records, and it would eliminate the requirement that recipients of a national security letter tell the FBI the identity of any lawyer they consult.

The Sununu bill is a step in the right direction, and therefore I will support it.

Of course even a good bill can be improved. That is why we have an amendment process in the Senate. The junior Senator from Wisconsin has tried to offer a small number of relevant