

AKAKA) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2128

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2128, a bill to provide greater transparency with respect to lobbying activities, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2198

At the request of Mr. DOMENICI, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2206

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2206, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa

(Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. 2355

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2355, a bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

S. CON. RES. 60

At the request of Mr. TALENT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

S. RES. 385

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 385, a resolution expressing the gratitude and appreciation to the men and women of the Armed Forces who serve as military recruiters, commending their selfless service in recruiting young men and woman to serve in the United States military, particularly in support of the global war on terrorism.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. SUNUNU, Mr. FEINGOLD, Mr. CRAIG, Mr. HAGEL, Mr. DURBIN, Mr. SALAZAR, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. KERRY):

S. 2369. A bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to offer legislation which would amplify the PATRIOT Act, which we expect to be passed by the House of Representatives tomorrow, with these amendments to restore the provisions of the PATRIOT Act to the provisions of the Senate bill which was passed unanimously by the Judiciary Committee on which the Presiding Officer sits, as do I, and was then adopted by unanimous consent by the Senate.

The PATRIOT Act has had a complex procedural history where the House

passed a version which was substantially different from the Senate version. Then we hammered out a conference report which, in my view, was an acceptable compromise. It did not have all of the provisions which I would have preferred. It did not have the provisions of the Senate bill. But in a bicameral legislature, we learn to work with the art of the possible. That was accommodation.

We worked closely with Chairman SENSENBRENNER in the House and crafted a bill which was acceptable. There were certain key concessions made to the Senate which I believed were important, perhaps indispensable, the leading one being the sunset provision which was finally established at 4 years. That had been the provision in the Senate bill. And by sunset, for anyone who may be watching on C-SPAN2, that is the provision which terminates the bill, and then it has to come back to Congress for reevaluation to see if we want to give the expanded powers to law enforcement officials. The House bill had 10 years; the Senate bill had 4 years. The House wanted a compromise at 7 years, and the Senate held fast. And the compromise was reached so we finally put a provision in at 4 years.

The PATRIOT Act was passed shortly after the terrible tragedies of 9/11, when the United States was victimized by a terrorist attack. It was an effort to give law enforcement officials more power to deal with terrorism. There is always a balance to be struck between civil liberties on the one hand and sufficient power for law enforcement on the other. There came into a coalition representatives of both extreme ends of the political spectrum, the so-called far left, the so-called far right, joining together with the insistence on more civil liberties. It seemed to me that the point was well taken.

The legislation I am introducing today, I introduce on behalf of myself, Senators LEAHY, MURKOWSKI, SUNUNU, FEINGOLD, CRAIG, HAGEL, DURBIN, SALAZAR, FEINSTEIN, OBAMA, and KERRY. The cosponsors are the four Republicans who did not vote for cloture when the bill was before the Senate. They had decided not to vote to cut off debate, which might have given us the leverage at that time to pass the conference report, but insisted on some modifications. With the leadership of Senator SUNUNU, those modifications have been enacted in a companion bill which is going to the House of Representatives for House action tomorrow. It is my expectation that the legislation will be passed. There is an enrolling ceremony set by the Speaker of the House and the majority leader for Wednesday morning, so that is a pretty good sign that we are en route to having the PATRIOT Act enacted.

I do not think that ought to be the ending point. That is why I am introducing this supplemental legislation today. What this legislation does is reinstate provisions of the original Senate-passed bill. For example, on the delayed notice search warrants, the

House bill had called for 180 days. The Senate bill had called for 7 days' notice. The conference report compromised out at 30 days, which I thought was acceptable, while not as good as I would have liked it. So in this new bill, the delayed notice provision is set at 7 days. That means that when a search warrant is authorized, where the subject of the search warrant is not told—ordinarily if you have a search and seizure, law enforcement officials come in and in broad daylight make the search and seizure. The resident, the owner of the residence knows about it. But a delayed notice search warrant is structured so that the recipient does not know about it, where there is cause shown that the investigation would be impeded if the recipient were to be told at that time. This cuts the time to 7 days.

There had been considerable controversy over the provisions of section 215 where the Senate bill had a three-part test, and a fourth provision was added to the conference report where the judge had the discretion to grant the order if there was adequate showing in the opinion of the court to pursue a terrorist investigation. But the new bill comes back to the three-part test of the original Senate bill so the records sought must, first, pertain to a foreign power or an agent of a foreign power; second, are relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or, three, pertain to an individual in contact with the suspected agent of a foreign power.

The third provision provides for a judicial review of national security letters. It would eliminate the conclusive presumption with respect to national security letters that the court would automatically uphold nondisclosure—that is, a gag order—upon the Government's good faith certification that disclosure may endanger the national security of the United States or interfere with diplomatic relations. The bill introduced today would allow the judge to review all of the factors and would not be controlled by this conclusive presumption.

The bill introduced today also makes a change on judicial review of section 215, which eliminates both the conclusive presumption which was added in on the legislation sponsored by Senator SUNUNU, and it eliminates the mandatory 1-year waiting period.

The sunset on national security letters is an additional provision which adds a 4-year sunset to national security letters, which is the same sunset in the balance of the conference report. National security letters had not been subjected to the PATRIOT Act but were included in the Senate version this time. That provision is added.

We are having an oversight hearing with the Director of the FBI later this month. It is my intention, as chairman of the Judiciary Committee, to include in that oversight hearing these provisions. We want to see exactly how im-

portant they are, what the FBI is doing with them. We want law enforcement to have the tools it needs.

I know this is a subject near and dear to the heart of the Presiding Officer who was the U.S. attorney in Alabama for law enforcement and attorney general, and something of which this Senator has very substantial concern based in part on my tenure as district attorney of Philadelphia. So we want law enforcement to have the tools which are needed. At the same time we want to achieve an appropriate balance with civil liberties.

The statement has been made that it is not anticipated that the House will act on such legislation this year. It is a long year. We will wait and see. We will see what the developments are. We will see how our fight against terrorism goes. We will see what the oversight provisions are. But this bill will be useful as a marker to promote further reconsideration of that original Senate bill that passed last year. It was a significant occasion, if not monumental, to have all 18 members of the Judiciary Committee agree on a bill which, as the Presiding Officer knows, as do I and people who are familiar with the Judiciary Committee, we have representatives at opposite ends of the political spectrum. That is what is attractive about the Judiciary Committee. Notwithstanding our divergence of views, we have had remarkable success in the past 14 months passing the bankruptcy bill, the class action bill, and the asbestos bill out of committee.

We stumbled a little. We are one vote short on the budget point of order. That is going to be coming back.

We are taking a look at some of the provisions I am personally talking to Senators about on an individual basis. There is a recognized need for asbestos reform. There is only disagreement as to what it ought to be. I am asking Senators to take a look at the bill and tell me what it is they would like to see done in order to have the bill receive the requisite support here to overcome the budget point of order—I think we have the votes already there—but to overcome cloture and to have a bill that can be enacted.

Then our committee led the way in the confirmation of the new Chief Justice of the Supreme Court, Chief Justice Roberts, and Justice Alito. We are now in the midst of working on immigration. I think the renewal of the PATRIOT Act is a significant step forward—something the President has been anxious to have done and something which will give law enforcement the tools it needs with appropriate balance.

I ask unanimous consent that the text of this new bill be printed in the RECORD.

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

S. 2369

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking "30 days" and inserting "7 days".

## SEC. 2. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Subsection (f)(2) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended

(1) in subparagraph (A)(i)—

(A) by striking "a production order" and inserting "a production order or nondisclosure order"; and

(B) by striking "Not less than 1 year" and all that follows through the end of the clause;

(2) in subparagraph (A)(ii), by striking "production order or nondisclosure"; and

(3) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith."

## SEC. 3. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

"(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

"(ii) either—

"(I) pertain to a foreign power or an agent of a foreign power;

"(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and"

## SEC. 4. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) is amended by adding at the end the following:

"(c) OTHER SUNSETS.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(A) Section 2709 of title 18, United States Code.

"(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

"(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect."

## SEC. 5. RULE OF CONSTRUCTION.

Amendments to provisions of law made by this Act are to such provisions, as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) and by the USA PATRIOT Act Additional Reauthorizing

Amendments Act of 2006 (S. 2271, 109th Congress, 2d Session).

Mr. LEAHY. Mr. President, the PATRIOT Act reauthorization legislation that the Senate may vote on this week still has serious flaws and troubling omissions. I have spent several months working closely with Members from both parties in an attempt to improve these defects. Even after the Bush administration and congressional Republicans hijacked the House-Senate conference, I tried to get this measure back on the right track. Working with a bipartisan group of Senators, we were able to achieve some improvements. I regret that the final package is not better and that the intransigence of the administration has prevented a better bill with better protections for the American people.

I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the current reauthorization of the PATRIOT Act. I am therefore pleased to join Senator SPECTER, Senator SUNUNU, Senator CRAIG, Senator FEINGOLD, and others in introducing a bill to improve the reauthorization legislation in several important respects.

Most importantly, the Specter-Leahy bill corrects one of the most egregious "police state" provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. There is no justification for this mandatory waiting period for judicial review, and our bill eliminates it. Our bill also eliminates provisions that allow the Government to ensure itself of victory by certifying that, in its view, disclosure "may" endanger national security or "may" interfere with diplomatic relations. These un-American restraints on meaningful judicial review are unfair, unjustified, and completely unacceptable.

I sought to make these changes to the gag orders provisions in an amendment I filed to Senator SUNUNU's bill, S. 2271, which modified the conference report in various respects. Senator FEINGOLD filed other amendments aimed at bringing the conference report more in line with the bipartisan reauthorization bill that every Member of the Senate approved last year. Regrettably, the majority leader chose to prevent any effort to offer amendments to S. 2271 and effectively stifled open debate.

In addition to fixing the gag order provisions, the Specter-Leahy bill adopts the Senate-passed standard for obtaining secret court orders under section 215 of the PATRIOT Act. Under this standard, the Government can obtain private, confidential records such as library and medical records only if there is some connection between those records and a suspected terrorist or

spy. The Specter-Leahy bill also restores the pre-PATRIOT Act rule, adopted by the Senate, that notice of "sneak and peek" searches may be delayed for no more than 7 days unless extended. The conference report sets a 30-day rule for the initial delay, more than three times what the Senate, and pre-PATRIOT Act courts, deemed appropriate. Finally, the Specter-Leahy bill adds a 4 year sunset to the national security letter authorities created in the conference report. This sunset provision, like those included in the original PATRIOT Act at the insistence of myself and House Majority Leader Dick Armey, would facilitate oversight and ensure accountability for the use of these administrative subpoena authorities.

Reauthorization of the PATRIOT Act has been a more difficult and far more painful process than it should have been. Under the leadership of Chairman SPECTER, the Judiciary Committee managed in just a few weeks to produce a bipartisan bill that passed the Senate unanimously. The House-Senate conference took a different course and produced a bill that Members on both sides of the aisle found unacceptable. It has been improved, but critical problems remain. The Specter-Leahy bill corrects the worst of these problems, and I will work with the chairman to enact these commonsense reforms before the end of the year.

By Mr. MCCONNELL (for himself, Mr. BIDEN, Mr. DEMINT, Ms. MIKULSKI, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. TALENT, Mr. ALLEN, Mr. FRIST, Mr. BURNS, Mr. THUNE, Mr. REID, Mr. SALAZAR, Mr. KERRY, Mr. BUNNING, Mr. LIEBERMAN, and Mrs. BOXER):

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; to the Committee on Foreign Relations.

Mr. MCCONNELL. Mr. President, today, along with my friend, the senior Senator from Delaware, Mr. BIDEN, I send to the desk the Palestinian Anti-Terrorism Act of 2006 and ask that it be referred to the appropriate committee.

Senator BIDEN and I are joined in our efforts today by Senators DEMINT, MIKULSKI, MARTINEZ, Senator NELSON of Florida, HAGEL, Senator NELSON of Nebraska, DEWINE, TALENT, ALLEN, FRIST, BURNS and THUNE, all of whom are original cosponsors of this legislation. This is a bipartisan bill, and I thank my colleagues on both sides of the aisle for their leadership on the important issue of how the United States addresses the challenges posed by the new Hamas-dominated government in the West Bank and Gaza.

The Palestinian elections of January 25 produced a majority of Hamas supporters in the Palestinian parliament.

Perhaps the Palestinians were frustrated with the corruption of the ruling Fatah Party, or perhaps they were tired of the slow pace of reforms. Either way, the Palestinian people cast their ballots for an organization that supports terrorism and rejects Israel's very right to exist. That is antithetical to our security interests in the Middle East, and it should be unacceptable to this Senate.

In light of the recent election, Senator BIDEN and I are submitting this legislation for the Senate's consideration which we hope will send an unequivocal message to the Hamas leadership: renounce terror, recognize Israel and live up to the commitments made by the previous Palestinian government.

In short, this legislation urges the Palestinian people to take another step toward joining the community of peaceful nations and a step away from the ranks of terrorism.

Our bill would do the following: it would restrict assistance to the Palestinian Authority, PA, unless it is determined that no PA government ministry is controlled by terrorists, that the PA publicly acknowledges Israel's right to exist, that the PA has recommitted itself to all its prior agreements with Israel, that the PA has made progress toward dismantling terrorist infrastructure, and that the PA has instituted fiscal transparency. This bill would essentially deny visas to certain PA officials and restrict their travel to the United States. It also limits diplomatic interaction with Palestinian terrorist groups. Finally, this bill contains rigorous audit and oversight requirements to ensure compliance with its provisions.

Let me also tell you what this bill does not do. It does not cut off assistance to the Palestinian people with respect to food, water, medicine, sanitation and other basic human needs. Thus, humanitarian assistance that does not go through the Palestinian government will continue. Moreover, funding for democracy programs will also be continued. Both Senator BIDEN and I appreciate the need not to punish the Palestinian people for actions its future government may take. Our concern is with the new regime taking power and in giving them the proper incentives to embrace peace and to abandon the pro-terror stance they have taken up until now.

Democracy is about more than just elections, it is also about responsible, accountable governance. The Palestinian elections a few weeks back reflect this fact. International observers indicate that the Palestinian elections were essentially free and fair—which in and of itself is certainly a good thing.

I strongly support democratic elections. That said, any right-minded person deplores the result of those elections.

A key part of democratic governance is that elected officials are responsible for the actions they take. If Hamas

takes power and persists in sponsoring terror, rejecting Israel's right to exist and refusing to accept prior commitments made to Israel, then they should be held accountable for their actions and for the foreign aid investments in the West Bank and Gaza paid for by American taxpayers. The PA's budget is supported in large part by foreign assistance, and Hamas has been put on notice by the United States and many in the donor community about the steps it must take in order to receive assistance in the future.

Along these same lines, I must say I am somewhat mystified at the recent diplomatic efforts undertaken by Russia. Russia broke from the Middle East Quartet and hosted representatives from Hamas in Moscow.

In so doing, the Russians granted Hamas a measure of international legitimacy Hamas had hitherto lacked, while the Russians appear to have received no meaningful concessions in return. I am afraid I fail to see the benefit in Russia's actions other than emboldening other nations to follow a similar course of dealing with a terrorist organization. I suspect the Russians would be less than elated if Israel hosted Chechen separatists in Jerusalem.

Foreign aid is not an entitlement. It is assistance from the American people to other nations, and it should be conducted in furtherance of U.S. interests and those of our allies. It is not to be given to organizations that actively work against those interests. Hamas, as it now stands, is just such an organization.

The ball is squarely in Hamas' court. It can either work for the good of its citizens as an accountable democratic government should, or it can continue to act as a revolutionary group to the profound detriment of its citizens.

Mr. LIEBERMAN. I thank Senator MCCONNELL for the excellent statement. I have not had a chance to look at the legislation, but I am sure I will want to be added as an original cosponsor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2370

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

#### SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap");

(2) to oppose those organizations, individuals, and countries that support terrorism

and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

#### "SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Assistance may be provided under this Act to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless Hamas has—

"(A) publicly acknowledged Israel's right to exist as a Jewish state; and

"(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

"(2) the Palestinian Authority has made demonstrable progress toward—

"(A) completing the process of purging from its security services individuals with ties to terrorism;

"(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

"(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

"(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

"(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall

transmit to Congress a report that contains the reasons therefor.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) NATIONAL SECURITY WAIVER.—

"(1) WAIVER.—The President may waive the limitation in subsection (a) with respect to the administrative and personal security costs of the Office of President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the appropriate congressional committees that—

"(A) it is in the national security interests of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

"(2) CONSULTATION REQUIRED.—The President shall consult with the appropriate congressional committees prior to making a certification under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council."

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

#### SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

#### "SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

"(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

"(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

"(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

“(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

“(3) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

“(A) determines that the provision of such assistance will further the national security interests of the United States; and

“(B) not less than 45 days prior to the obligation of amounts for the provision of such assistance—

“(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

“(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

“(4) DEFINITION.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Administrator of the United States Agency for International Development determines that such marking will endanger the lives or safety of persons delivering such assistance or would have a significant adverse effect on the implementation of that assistance.

“(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.”.

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 or any other provision of law, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate as-

sistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to \$1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

#### SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

#### SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

A visa should not be issued to any alien who is an official of, affiliated with, or serving as a representative of the Palestinian Authority, other than the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

#### SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act

of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

#### SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

#### SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term “international financial institution” has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

#### SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for

the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

- (1) recognizes Israel's right to exist;
- (2) renounces the use of terrorism;
- (3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and
- (4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

#### SEC. 10. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

- (1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and
- (2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

#### SEC. 11. DEFINITIONS.

In this Act:

- (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—
  - (A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and
  - (B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.
- (2) **PALESTINIAN AUTHORITY.**—The term “Palestinian Authority” has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

Mr. BIDEN. Mr. President, I am pleased to join the Senator from Kentucky as the lead cosponsor of the Palestinian Anti-Terrorism Act of 2006.

This bill sends a clear message: The United States will not provide a single penny to a Hamas-led government unless it renounces violence, recognizes Israel, and accepts past agreements between Israel and the Palestinian Authority. These requirements are clear, and they reflect the will not just of the United States, but of the international community, including the so-called Quartet of the United States, the European Union, Russia and the United Nations.

Simply put, Hamas must choose between bullets and ballots, between destructive terror and constructive governance. It cannot have it both ways.

The bill affirms support for a two-state solution to end the Israeli-Palestinian conflict, an objective that Hamas rejects. The bill also requires the administration to report on steps it is taking to urge other nations to refrain from providing financial assist-

ance to Hamas. In addition, it places restrictions on diplomatic contacts and movements by representatives of Hamas.

At the same time, the bill makes clear that we want to continue to support the basic needs of the Palestinian people. Assistance to the Palestinians for things such as food, water, medicine, and sanitation through non-governmental organizations will be permitted under this \*\*\*

Instead of moving urgently, we dithered. Several months into last year, the President made a smart move by appointing Jim Wolfensohn the Quartet's special envoy to the Middle East, but he failed to strongly support his efforts. It wasn't until November that Secretary Rice got directly involved by brokering a breakthrough agreement on Gaza. That was welcome, but it was too little, too late.

I don't want to dwell on the past, but I think it's important that we try to learn from it.

It's also well known that Israel had deep misgivings about proceeding with these elections. Their views should have been considered more closely—after all, the consequences affect them directly.

Overall, I think this Administration has made the mistake of confusing democracy with elections. Elections are necessary but not sufficient—they do not a democracy make. Democracy is about building durable institutions—including political parties, transparent and effective government, civil society and a strong private sector.

We see what happens in the Middle East when you have elections with weak institutions—including in Egypt, Muslim Brotherhood, Lebanon, Hezbollah, Iraq, SCIRI, and now the Palestinian Authority. All of us support the spread of democracy, but we should also support the hard work and investments it takes to build it.

Regarding the Palestinian vote, what should we do now? Obviously, Hamas's victory casts a pall on the future of the peace process.

First, Israel cannot be expected to negotiate with a party that calls for its destruction, engages in terrorism and maintains an armed militia.

Second, we should build international support for the position of the Quartet—no assistance to a Hamas-led government until it agrees to recognize Israel, renounce violence, and accept past agreements.

Third, we need to press the Arab Gulf states not to rush in and financially support a Hamas-led government. That would take the pressure off Hamas, and it would reveal the hypocrisy of the Arab governments who say they support peace, but were unwilling to be more generous with Abbas's government.

Hamas is now “the dog that caught the car.” It must respond to international demands and, even more importantly, it must be responsive to the Palestinian public which wants reform,

but doesn't want isolation, poverty, and radicalism.

The legislation I have introduced with my colleague, the senior Senator from Kentucky, is our attempt to clarify the choices for Hamas, and to make clear our rejection of a group that is committed to terror.

By. Mr. KERRY:

S. 2372. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of appropriations, new direct spending, and limited tax benefits; to the Committee on the Budget.

Mr. KERRY. Mr. President. I am pleased to introduce legislation today that establishes a constitutional line item veto, which would allow the President to reduce pork barrel spending and save taxpayers billions of dollars. Congress has an opportunity this week in our debate on lobbying reform to take ethics reform seriously and take action to rid the federal budget of special interest projects. Giving the President the ability to target projects placed in the budget at the last minute at the request of a single lawmaker is a step in the right direction and a critical move toward needed transparency.

It is no secret that President Bush and I do not agree on many policy matters, but I fully support giving him this line item veto authority and I applaud the President's comments earlier today. I hope that Congress immediately takes up and passes this legislation, and I hope that President Bush will be able to use this new veto authority soon to get tough on wasteful spending.

Under the Republican-led House and Senate, pork-barrel spending has skyrocketed. Nearly \$30 billion a year is being spent on projects that have never even been debated. For fiscal year 2005, appropriators added 13,997 projects into the 13 appropriations bills, an increase of 31 percent over last year's total of 10,656. In the last two years, the total number of projects has increased by 49.5 percent. The cost of these projects in fiscal year 2005 was \$27.3 billion, or 19 percent more than last year's total of \$22.9 billion. Billions of taxpayer dollars are being wasted on things like research to enhance the flavor of roasted peanuts and the infamous “bridge to nowhere.” We have the largest deficit in American history and Congress and the President must take action to get spending under control.

In 1996, the Congress passed and President Clinton signed into law the “Line Item Veto Act”, P.L. 104-130. Two years later, however, in *Clinton v. City of New York* the Supreme Court concluded that the method used to give the President line item veto authority was unconstitutional. The Court noted that presidents may only sign or veto entire acts of Congress. The Constitution does not authorize them to enact, to amend, or to repeal statutes.

We can restore the line item veto and be consistent with the Constitution.



The key difference between what I am proposing and what the Supreme Court struck down is the legal effect of the President's actions. The "Line Item Veto Act" allowed the President to cancel provisions in their entirety, but the Supreme Court rejected this arrangement. The Line Item Veto Act of 2006 is different. It will empower the President to suspend provisions until the Congress decides to approve or disapprove of that suspension with an up or down vote. The provisions are not cancelled out of the legislation. I believe this change addresses the Supreme Court's concerns.

I agree with President Bush's comments earlier today, it is indeed 'time to bring this important tool of fiscal discipline to Washington, D.C.' I look forward to working with my colleagues on both sides of the aisle to pass the Line Item Veto Act and I look forward to President Bush using this authority to reign in pork-barrel spending.

By Mr. COLEMAN:

S. 2374. A bill to amend the Homeland Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation, the Foreign Investment Transparency and Security Act of 2006, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2374

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Transparency and Security Act of 2006".

#### SEC. 2. LIMITS ON FOREIGN CONTROL OF INVESTMENTS IN CERTAIN UNITED STATES CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

**"Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure**

##### **"SEC. 241. DEFINITIONS.**

"As used in this subtitle—

"(1) the term 'foreign government controlled entity' means any entity in which a foreign government owns a majority interest, or otherwise controls or manages the entity; and

"(2) the term 'general business corporation' means any entity that qualifies for treatment for Federal taxation purposes under subchapter C or subchapter S of the Internal Revenue Code of 1986, established or organized under the laws of any State.

##### **"SEC. 242. LIMITATION ON FOREIGN INVESTMENTS.**

"(a) IN GENERAL.—A foreign government controlled entity may acquire, own, or otherwise control or manage any critical infrastructure of the United States only through the establishment or operation of a foreign owned general business corporation that meets the requirements of subsection (b).

"(b) REQUIREMENTS.—For purposes of this section, a general business corporation shall have—

"(1) a board of directors, the majority of which is comprised of United States citizens; and

"(2) a chief security officer who is a United States citizen, responsible for safety and security issues related to the critical infrastructure.

"(c) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to restrict or otherwise alter the authority of the President or the Committee on Foreign Investment in the United States (or any successor thereto) as the designee of the President, under section 721 of the Defense Production Act of 1950.

##### **"SEC. 243. REGULATIONS REQUIRED.**

"Not later than 6 months after the date of enactment of this subtitle, the Secretary of the Treasury, in coordination with the Secretary, shall promulgate final regulations to carry out this subtitle.

##### **"SEC. 244. EFFECTIVE DATE.**

"(a) IN GENERAL.—Section 242 shall apply beginning on the date that is 6 months after the date of enactment of this subtitle.

"(b) EXISTING ENTITIES.—A foreign government controlled entity that owns or otherwise controls or manages any critical infrastructure of the United States on the effective date of this subtitle shall comply with the requirements of this subtitle not later than 180 days after that effective date."

(b) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 237 the following:

**"Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure**

**"Sec. 241. Definitions.**

**"Sec. 242. Limitation on foreign investments.**

**"Sec. 243. Regulations required.**

**"Sec. 244. Effective date."**

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 390—DESIGNATING THE WEEK BEGINNING MARCH 13, 2006, AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. COCHRAN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, Mr. CRAPO, Ms. LANDRIEU, Mr. SALAZAR, Mrs. CLINTON, Mr. BUNNING, Mrs. LINCOLN, Mr. DEWINE, Mr. INOUE, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. DODD, Mrs. BOXER, Ms. MURKOWSKI, Mr. JOHNSON, Mr. KOHL, Ms. SNOWE, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas the youths of today are vital to the preservation of the United States and will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences such as child abuse, substance abuse, and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the country's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and non-profit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make Safe Place available at nearly 15,000 locations;

Whereas more than 87,000 youths have gone to Safe Place locations to get help when faced with crisis situations and 88,000 youths received counseling by phone as a result of Safe Place information they received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that Safe Place is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage communities to establish Safe Places for the youths of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of March 13 through March 19, 2006, as "National Safe Place Week"; and

(2) calls upon the people of the United States and interested groups to promote awareness of and volunteer involvement in, the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

##### SENATE RESOLUTION 391—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF TIMOTHY P. TOMS V. ALAN HANTMAN, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Whereas, in the case of Timothy P. Toms v. Alan Hantman, et al., No. 1:05-CV-01981, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Carolyn E. Apostolou, Clerk of the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Carolyn E. Apostolou in the case of Timothy P. Toms v. Alan Hantman, et al.