HUTCHISON) was added as a cosponsor of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

S. RES. 316

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise to speak about the role nuclear energy can play in moving our country toward a more secure energy future. For some, news that a Udall is speaking favorably about nuclear power will come as a stark and perhaps unpleasant surprise. But I also believe public and expert opinion on the risks and benefits of nuclear power has changed.

The environmental and energy security challenges that we faced in the 1970s, when that decade closed in the shadow of Three Mile Island, have changed significantly. When my father Mo Udall campaigned for President in the New Hampshire primary in 1976—and the Presiding Officer remembers that era—and when he was asked about the controversial Seabrook nuclear facility, no one had climate change on their list of environmental concerns.

Today, more than 30 years on, we have a less parochial and more global view about the challenges of energy security, climate change, and the problems associated with carbon-based energy production.

Given the economic, national security, and environmental threats our current energy system creates, we need a comprehensive and cleaner national energy policy. In this regard, clearly, nuclear energy has emerged as an important player in our search for a stable and domestic energy source that has less greenhouse gas emissions.

A cleaner energy economy will spur innovation in and accelerate the shift to clean and domestic energy sources. It will create a new industrial sector, employing millions of Americans in the research, development, manufacturing, sale, installation and servicing of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world.

Moreover, like it or not, we must address the climate challenge we face. My State of Colorado is already seeing the indirect impacts of carbon pollution in the form of a devastating bark beetle infestation that is killing our forests.

Looking beyond environmental concerns and as we face perhaps our greatest economic crisis since the Great Depression, we also need an ''all of the above'' solution to jump-start our economy. That means continuing our development of renewable energy sources such as wind, solar, and biomass, as well as traditional energy resources like coal and oil, and cleaner fuels like natural gas.

That also means we should continue to invest in energy efficiency and conservation technology. And that means that nuclear energy and new nuclear power plants must be a part of the mix.

As I said earlier, a growing number of skeptics and even opponents of nuclear power are taking a second look at this industry. I count myself among them, and these are some of the reasons why:

First, in the last few decades, the performance and safety record of nuclear plant operations in the United States has greatly improved. Safety is and always must be the No. 1 priority at nuclear facilities. There is always more we can do on safety, but the industry has built a good record and we should recognize that fact.

Then there are the environmental benefits to nuclear power. Unlike fossil fuel plants, nuclear plants do not emit appreciable amounts of sulfur dioxide, nitrogen oxides, mercury or particulate matter. That means they cause less acid rain, as well as fewer asthma complications and other health ailments.

Further, nuclear plants release minimal amounts of carbon pollution. In fact, nuclear power plants are one of the few low-carbon, large-scale sources of baseload power that we know how to build today.

Let me note that carbon-capture and storage technologies at coal and natural gas plants could also potentially provide low-carbon baseload power at large scales too. And it is very important that we build these first commercial CCS plants and do all we can to develop economically viable carbon-capture and sequestration technologies.

I have long been a supporter of renewable energy and energy efficiency, and I will continue to be. But the scale of the energy changes we must make dictates that we be open to the widest variety of energy options, particularly those with domestic potential and those with cleaner emissions. In other words, there is no silver bullet that will solve all of our energy challenges; we are going to need, in the parlance of the West, silver buckshot. Examining all the pros and cons, I have come to the view that nuclear energy is a part of that silver buckshot.

I know there are many who remain skeptical of nuclear power, including good friends of mine. Nuclear power is not trouble-free. No energy source is. I hope we can all agree, however, on our clean energy goals: more jobs, greater energy security, and a cleaner environment for our children.

Supporters and opponents of nuclear power share another concern in common. Neither knows for sure how much new nuclear plants are going to cost. We have a new licensing process that has never been tested. We have not ordered a new nuclear plant in three decades. Many nuclear technology components, for at least the first wave of nuclear plants, will likely be manufactured in other countries, and the future cost of construction materials is unknown. These uncertainties, along with others, led the National Academy of Sciences to estimate that electricity from new nuclear plants would likely cost in the range of 8 to 13 cents per kilowatt hour, which is a considerable span. Given the large potential of nuclear energy, however, we need to build new nuclear plants over the next decade.

This first wave of new plants will go a long way toward telling us whether new plants can be built on budget and on schedule in the United States. I hope the answers are yes and yes, and that the final cost of electricity is at the lower end of the uncertainty range. I say this because if nuclear energy is to survive as a viable option, it will need to compete against other low-carbon technologies in the long run.

Some may object to the building of new nuclear plants before we have a long-term solution to the question of what to do with nuclear waste. It is true we do not have a permanent solution right now. It is also true that the answers about the viability, both environmental and political, of Yucca Mountain as a permanent waste facility continue to elude us. I fully acknowledge that as a Member of the House of Representatives, I shared these concerns and voted accordingly. But uncertainty about a long-term and permanent solution to waste storage is not a reason to halt nuclear power. I am confident that we have the technical capabilities and knowledge to safely and responsibly store nuclear waste for the required time periods. This is not a technology problem. It is a challenge to find a fair and safe path forward, and I support the President's intention to appoint a blue ribbon commission to make such a recommendation.

In the meantime, dry cask storage provides a safe, proven option for at least 100 years. We have time to get this right, so let us not rush into anything out of a false sense of emergency.

Let me turn to another subject tied to nuclear power production, and that

is reprocessing. It has been suggested that we should build commercial scale facilities in the United States to reprocess our spent fuel as France and Japan do. I do not believe that makes sense. Why? First, the French system of reprocessing is not a comprehensive waste management strategy, and so far the benefits from that approach have been fairly marginal. In other words, they have not solved their waste challenge with reprocessing. Secondly, we do not need to recycle spent nuclear fuel to enable the expansion of nuclear power in the United States and elsewhere. Uranium supplies are sufficient to support a worldwide expansion of nuclear power during this next century. Third, the international proliferation risk associated with reprocessing is a concern. The process used in France creates separated plutonium which could be diverted for weapons production. I do not want to see separated plutonium in any country but especially in those that are unfriendly to us. And we are in a weaker position to try and dissuade those countries from reprocessing if we are doing it ourselves.

My conclusion is that a near-term decision to deploy reprocessing facilities would be unwise and unnecessary. I do support research into advanced proliferation-resistant technologies, though none of those will be ready for deployment anytime in the near future. In general, our goal should be to keep nuclear power as low-cost and proliferation-resistant as possible.

To that end, today I am introducing a bipartisan bill, the Nuclear Energy Research Initiative Improvement Act of 2009. This bill, which is cosponsored by Chairman BINGAMAN and Ranking Member MURKOWSKI, authorizes the U.S. Department of Energy to conduct research into modular and small-scale reactors, enhanced proliferation controls, and cost-efficient manufacturing.

We are going to be debating clean energy later this Congress. I know several of my colleagues on both sides of the aisle would like to see a strong nuclear title. I hope we can come to a reasonable compromise that advances nuclear power and allows us to finally put a price on carbon pollution. That will give the energy sector the certainty it needs to begin planning and building our clean energy future and to begin creating clean energy jobs.

Nuclear plants to date provide jobs for thousands of Americans, and new plants would provide thousands more. New plants would also generate millions in tax revenues for State, local, and Federal governments struggling with large deficits from the economic downturn. Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope we can build some nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow.

I invite all of my colleagues, from both sides of the aisle, to join Senator BINGAMAN, Senator MURKOWSKI, and me in cosponsoring the Nuclear Energy Research Initiative Improvement Act of 2009.

One of my energy fellows, Matt Bowen, is leaving my office to join the Department of Energy. I thank Matt for his work in my office, including on the bill I am introducing today, and I wish him well at the Department of Energy. We have been well served as a country by Matt Bowen's patriotism and work ethic.

---

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to describe legislation I have introduced that will help businesses, sustain and create jobs, spur economic development for a struggling industry and benefit the environment.

The locomotive industry in the U.S. directly employs over 125,000 people and supports a wide-range of secondary industries which contribute to the locomotive manufacturing process through operations located around the country. This vital industry has experienced a significant decline in business over the past several years, which has regrettably resulted in furloughs and layoffs. It is my understanding, though, that these circumstances are not due to a lack of demand for new locomotives, but rather, yet another symptom of our Nation's weak economy and insufficient capital among potential customers.

Accordingly, I along with my colleague Senator BOB CASEY, have introduced the Locomotive Fleet Investment and Tax Credit Act of 2009. This legislation will provide a tax credit for the acquisition of new and newly remanufactured locomotives, including freight, long-haul, passenger, and switch locomotives. The tax credit we have proposed is substantial but time-limited, so as to have the maximum impact in short order. The bill provides a tax credit of 30 percent of the purchase cost of a new or newly manufactured locomotive, but stipulates that the new locomotives must be placed in service before December 31, 2013, to qualify for the credit.

In addition to the economic impact, the Locomotive Fleet Investment and Tax Credit Act will also benefit the environment, as new and newly manufactured locomotives are typically more fuel efficient and emit fewer harmful pollutants. Moreover, new locomotive models are often more reliable and have better safety records. In short, it is in the best interest of operators, manufacturers and the general public to remove from the rails as many old, outdated rail cars as possible and replace them with new locomotives.

Our economy has suffered through a crisis of historic proportions, and though there are early signs of recovery, conditions are still grim. On October 2, 2009, the Department of Labor reported that national unemployment had risen to 9.8 percent, with the loss of 260,000 jobs in September and the total loss of 7.2 million jobs since the recession began. The rail industry and America's manufacturing base has been hard hit by the economic downturn and the Federal Government ought to help foster an environment in which these businesses can rebound and thrive once again. I am confident that our economy will indeed improve, and when it does, it is important that our country still has a robust capacity to manufacture locomotives domestically.

The Locomotive Fleet Investment and Tax Credit Act of 2009 will provide a much-needed boost to locomotive manufacturers, sustain and create jobs and help establish a safer, environmentally friendlier and more reliable rail industry.

---

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the National Great Black Americans Commemoration Act. I am proud to sponsor this legislation along with Senator CARDIN. African Americans have a rich history that must be cherished and remembered. This bill will honor African American leaders from across the country by helping to preserve their names, faces, and stories for generations to come.

This legislation will provide continued Federal assistance to expand exhibits and educational programs at the National Great Blacks in Wax Museum and Justice Learning Center in Baltimore, MD. Some of the memorialized figures are household names, like: Frederick Douglass, Dr. Martin Luther King, Jr., and President Barack Obama. Yet many more are unfamiliar, like the 22 African Americans who served in Congress in the 1800s. It is time we give these pioneers the recognition they deserve.

Maryland is proud to be home to so many important figures in African American history. From the dark days of slavery through the civil rights movement, Marylanders have led the way. The brilliant Frederick Douglass was the voice of the voiceless in the struggle against slavery. The courageous Harriet Tubman delivered 300 slaves to freedom on the Underground Railroad. The great Thurgood Marshall, a man who was no stranger to the restriction of educational opportunity, successfully argued the Brown

v. Board of Education case before the Supreme Court, and later became a Supreme Court Justice himself. These three amazing individuals were Marylanders.

It is fitting that the national Great Blacks in Wax Museum and Justice Learning Center also calls Baltimore home. The museum and learning center is a popular and respected African American history museum. Approximately 300,000 people a year from around the country and the world visit the museum. Many are school children, who can see historical figures come to life in the museum's exhibits. Expansion will allow the museum to teach even more visitors about the important contributions of African Americans.

Private donors have contributed too. Now it is time for the Federal Government to reaffirm its commitment.

---

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the National Women's History Museum Act of 2009, a bill that would clear the way to locate a long-overdue historical and educational resource in our nation's capital city.

In each of the last three Congresses, the Senate has approved earlier versions of this bill by unanimous consent. I appreciate that past support, and I appreciate the cosponsorship today from 19 of my colleagues, Senators LIEBERMAN, GRASSLEY, MIKULSKI, BOXER, FEINSTEIN, MURRAY, SNOWE, LANDRIEU LINCOLN, VOINOVICH, CANTWELL, STABENOW, MURKOWSKI, PRYOR, MCCASKILL, KLOBUCHAR, GILLIBRAND, HAGAN, and SHEEHAN.

American women have made invaluable contributions to our country in government, business, medicine, law, literature, sports, entertainment, the arts, and the military. The need for a museum recognizing the contributions of American women is of long standing.

A Presidential commission on commemorating women in American history concluded that, ''Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital.''

That report was issued in 1999. A decade later, although Congress has commendably made provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Museum of the American Indian, there is still no institution in the capital region dedicated to women's role in our country's history.

The proposed legislation calls for no new federal program and no new claims on the budget. It would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum on a tract of land near the Smithsonian Museums located at 12th Street, SW, and Independence Avenue, SW.

The National Women's History Museum is a nonprofit, non-partisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the nation in their various roles in family, the economy, and society.

This museum would help ensure that future generations understand what we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present the stories of pioneering women like abolitionist Harriet Tubman, founder of the Girl Scouts Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, and astronaut Sally Ride.

That women's roll of honor would also include a distinguished predecessor in my Senate seat, the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and decency. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

Again, I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

---

By Mr. HARKIN:

S. 2149. A bill to suspend temporarily the duty on orthotoluidine.

Mr. HARKIN. Mr. President, the legislation I am introducing would suspend temporarily, through the end of 2011, the import duty on orthotoluidine, a chemical compound used by several U.S. companies in manufacturing an important agricultural herbicide used for crops including corn, soybeans, peanuts, and cotton. One of the manufacturing plants is a facility in Muscatine, IA, that employs 500 workers. Other U.S. companies use the compound in manufacturing dyestuffs, pigments, optical brighteners, and pharmaceuticals. This legislation is drafted and intended for inclusion in the miscellaneous tariff bill being assembled by the Committee on Finance.

Currently, there is only one U.S. manufacturer of orthotoluidine, and that company has already announced plans to end production of the compound by the end of this year. Manufacturers in the U.S. will soon have no choice but to import this ingredient and to pay a duty of 6.5 percent unless it is suspended. Suspending this duty will help to control U.S. production costs, keep jobs at home, and enhance the competitiveness of U.S. businesses, workers, farmers, and the communities in which they are located.

I encourage my colleagues to support this legislation.

---

By Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization Act; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I sent to the desk earlier legislation that is cosponsored by myself and Senator JOE LIEBERMAN and Senator KIT BOND. In essence, it reauthorizes certain provisions of the PATRIOT Act which expire, if we do not act, on December 31 of this year. It is an important matter and I am proud to be working with the distinguished chairman of the committee that has oversight over homeland security, and Senator BOND, who is the ranking Republican on the Intelligence Committee and has worked on these issues for quite a long time.

I wish to be notified after 10 minutes, if you would, please.

In recent years, Federal agents have exposed a series of potentially devastating terrorist plots across our country. If successful, these planned attacks would have caused unthinkable harm and claimed the lives of countless Americans. In the years following 9/11, there have been constant attempts to strike again on American soil. There could have been a dozen 9/11's, perhaps, were it not for the skill and courage of those who labor in defense of our country and our countrymen, and were it not for the measures passed by this Congress that have finally given them the support and the legal and financial resources they need to combat the terrorist threat.

But unless Congress acts, these very measures will soon expire. Unless Congress acts, our agents will be stripped of some of the legal tools they have used to foil attack after attack on our homeland and to avert catastrophe time and again.

Three of the most critical national security provisions passed by this body must be renewed by December 31 of

this year. Those provisions are found in the USA PATRIOT Act, which has played an essential part keeping our families and communities safe for these last 9 years. It at last gave the intelligence community the capabilities it needed to detect and deter terrorism inside our borders.

These capabilities have long been used in routine law enforcement, but could not be used in national security matters. Why would we not pursue terrorists with the same tools we can use to pursue drug dealers and mobsters?

Anyone who has followed the news in recent weeks knows just how vital these tools are. Four major terrorist plots have been foiled in the last 6 weeks—four in the last 6 weeks.

Just yesterday, we learned that two Chicago men were charged with plotting to attack the facilities and employees of a Danish newspaper that printed cartoons depicting the Islamic prophet Muhammad. The planned attack included weapons and explosives. According to reports, one of the men admitted working with a Pakistani group which has been designated by our government as a foreign terrorist organization.

The government recently charged Najibullah Zazi with conspiring to use one or more weapons of mass destruction—specifically, explosive devices—against persons or property within the United States. The New York Times described the government's case against Mr. Zazi as ''a set of damning accusations'' that begin ''with explosives training in Pakistan followed by purchases of bomb-making materials in Colorado, experiments in a hotel room, and a cross-country trip to New York, which the authorities feared might have been the target of his attack.''

According to reports, Mr. Zazi was in contact with senior al-Qaida operatives, including the leader of al-Qaida in Afghanistan. Attorney General Holder has described Zazi's plot as one of the worst since 9/11.

In another case, Hosam Maher Husein Smadi stands accused of conspiring to set off an explosive attached to a vehicle at the base of the 60-story Fountain Place office tower in Dallas, TX. In yet another case, Tarek Mehanna was charged with material support of terrorism related to a plot to kill U.S. troops in Iraq, assassinate top politicians, and gun down shoppers in U.S. malls.

But these attacks never occurred. They never occurred because we had the tools in place to prevent them and because of the untiring agents who carry out their noble, often thankless mission day after day. But out of an abundance of caution, Congress created a time limit on some of these investigative procedures and tools, and in 2006 those authorities were renewed because it was clear they were working and were needed.

It is worth noting that even though these authorities had not been abused by our hard-working terrorism officials, numerous revisions to them were made in 2006. Then, we reauthorized the provisions, while also strengthening civil liberties protections. That 2006 legislation was passed with overwhelming bipartisan support. It passed with 89 votes, among them our current President, who was a Member of the Senate; the Vice President, who was then a Member of the Senate; and the Secretary of State, who was then a Member of the Senate.

The PATRIOT Act is again up for renewal with three critical authorities set to expire. While we in the Judiciary Committee have been debating whether these expiring PATRIOT Act authorities should be approved for another 4 years, our agents are actively working hard to protect this country and its people from the constant threat of terrorism. Is there anyone in this Chamber who thinks that we should make it harder for our national security investigators to catch terrorists? Is there anyone here who believes the American people want us to make it harder for our investigators to catch terrorists?

I know Chairman LEAHY has worked hard, as we all did, to try to come up with a PATRIOT Act reauthorization bill in the Judiciary Committee that could attract strong bipartisan support. I commend him for that effort. He really worked at that. We worked together at that. However, the bill that eventually emerged from the Judiciary Committee does not meet the key test for any national security legislation: first, do no harm. The bill reported by the committee would make the jobs of our national security officials more difficult. The Obama administration has raised serious misgivings about the legislation that passed out of the committee.

So, I think we need to make a fresh start. Let's go back and take the bill we voted so strongly for before, add the minor things that need to be added to it to make it better—to deal with recent court of appeals rulings—and then let's move that forward to make sure we get that done before the legislation expires on December 31.

The bill we introduced today represents the best parts of the legislation that emerged from the Judiciary Committee, the parts almost everyone agreed upon. I will go into some of these details later but would just say that I am honored to be able to participate in the filing of this legislation with two fine cosponsors, Senators LIEBERMAN and KIT BOND.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I am very proud to rise today to join with Senator SESSIONS, my friend from Alabama, in introducing this legislation to reauthorize provisions of the PATRIOT Act that will expire at the end of the year if we do not act. These are critically important provisions.

I was about to say something that may sound odd to say, which is that the PATRIOT Act got a bad name, which it did not deserve. It is hard to imagine that anything with the name ''patriot'' in it could have gotten a bad name. There may have been a lot of reasons for it—misunderstandings, maybe, frankly, suspicions of the previous administration. But on the merits, this legislation was critically necessary in the time after September 11. And as Senator SESSIONS has made clear, because of what seems to be an escalating series of threats to our homeland security from Islamist extremists using terrorism to attack us, these provisions are actually probably more critically necessary today than they have been in years past. But they have been critically important.

I say the PATRIOT Act got a bad name because of the three provisions that our legislation—Senators SESSIONS, BOND and I—will continue to authorize, including the roving wiretap, business records provisions, and the so-called lone wolf provision.

When Senator SESSIONS goes into these in some detail in a few moments, I think anybody coming to the discussion with an open mind will see that these are very commonsense provisions. In fact, they are provisions that law enforcers in our country have today with regard to traditional crimes. And we are taking them and applying them to these kinds of investigations regarding terrorist threats against the United States of America.

The Judiciary Committee labored with very good intentions, brought a bill out that was a compromise and did get some bipartisan support, I gather, which I was pleased about. But it does, as Senator SESSIONS says, make some changes and it puts some pressure on the enforcement of these critical provisions of the PATRIOT Act that will weaken them, will undermine their effectiveness. And I think we should go for everything we can get here which has worked so well for the past years.

The fact is, we have seen a series—I want to come to this. I want to go back because there was mention—I said the PATRIOT Act got a bad name. There was a particular focus and concern in the library community and advocates for libraries—we all love libraries, and I myself have such memories of the role the public library in my hometown of Stamford, CT, played in my education—that somehow the government could break into libraries through the PATRIOT Act and check on what books people were taking out and compromise peoples' freedom of, I guess, intellectual pursuit, freedom of interests, if you will.

There was a lot of concern, a lot of debate back and forth. Finally, after some period of time in which the Attorney General refused to answer questions about how often that provision of the PATRIOT Act had been utilized, the Attorney General actually came forth—I forgot the circumstances—and said it had never been utilized, and it was cleaned up, and that is not in effect anymore.

Now a new administration—President Obama, Attorney General Holder—changed, different parties, in some sense different perspectives, but yet the President and the Attorney General took a sensible and I would say unbiased look at the challenge they faced from terrorism in this country and then looked at the provisions of the PATRIOT Act and said: We need it. It is fair. It is constitutional. It does not deprive people of rights. And more to the point, it will be critically useful in stopping the extremists and the terrorists from depriving people not only of their rights here in America but of their lives.

The PATRIOT Act provisions in question here have been a critical part of, I would say, a remarkable, impressive improvement in the capacity of the U.S. Government to stop terrorism, this unconventional enemy we face which aims to attack and kill Americans and, indeed, to undermine if not to defeat our fundamental way of life, our freedom, our values, our diversity, our tolerance.

We have seen, since 9/11, I am proud to say facilitated or encouraged by some legislation we passed, the Department of Homeland Security created, the 9/11 Commission Report, reforming the intelligence community, the Department of National Intelligence.

Probably one of the great unsung national assets we have, something called the National Counterterrorism Center, exists outside of Washington. It is a facility in which all of the relevant agencies of the Federal Government are there side by side 24/7, 365 days a year sharing information, connecting the dots. What did we all say after 9/11 and after the Commission Report? We had a lot of information in different places in the Federal Government; that if it had been brought together in one place, I personally think we would have stopped 9/11, the murder of 3,000 people on American soil. We did not have it together. But now those places exist—NCTC, the National Counterterrorism Center; the tremendous work by our intelligence community, by our military community, by our law enforcement community, working together cooperatively and cooperating with foreign intelligence, law enforcement and military communities.

The FBI has created and beefed up a counterterrorism division that I think has become the best in the world. And it is what makes the arrests that have occurred, a series of events, the ones Senator SESSIONS mentioned, the Zazi case—Najibullah Zazi, Afghan from birth, came here, permanent legal resident—this is the nightmare case—becomes radicalized, commits himself to Islamist extremism, goes over to Pakistan and connects with the highest levels, allegedly, of al-Qaida, receives training. One presumes—we do not know—he was directed or encouraged to do the things he came back here to do and started to work to put together, to acquire, according to the indictment, the material to explode several bombs in New York City, which would have done devastating damage.

The slightest bit of evidence—I am not compromising anything, but you might say metaphorically, Zazi appeared on one screen, a shred of evidence about him, and it alarmed some of our law enforcement people, and all of the resources of our government—foreign intelligence, American intelligence, CIA, DNI, FBI, Department of Homeland Security, local law enforcement—came together with that little piece to build a picture that helped us to follow him and find him and stop him before he was able to do terrible damage in New York City. Do you know what else helped with that? The PATRIOT Act. It has helped in so many of these cases we stopped. There has been a ring of them this year.

Earlier, about a month ago in our Homeland Security Committee, Senator COLLINS and I convened a hearing on the state of homegrown terrorism and our efforts to stop it. We had the Secretary of Homeland Security, the head of the National Counterterrorism Center, and the head of the FBI. As my last question, I kind of said it wide open to each of them: Tell me the one thing Congress could do to help you do the extraordinary, critically important, life-and-death work you are doing to prevent terrorist attacks against the United States. You might say I was giving them a blank check. Frankly, I thought they would say: We need more money for this program or that program.

When we came to Bob Mueller, the Director of the FBI, he gave a simple answer to the question: What is the one thing Congress could do to help you continue to do the extraordinary work you and the rest of our American team are doing to stop terrorist attacks. Director Mueller said: Reauthorize the PATRIOT Act. Without it, without those three simple provisions—lone wolf, roving wiretaps, and the business record provisions—we will not be able to do the job you want us to do.

This is so critical to our security that we should settle for nothing less than exactly the best. The Department of Justice recently submitted a letter urging renewal of the expiring PATRIOT Act provisions and emphasized the importance of us not doing anything ''to undermine the effectiveness of these important authorities.'' Despite the clear admonition—you might say plea—from the Obama administration and the Department of Justice, those who use these tools to keep us safe, I am concerned that proposals to impose some new requirements and restrictions on the FBI's ability to use these tested, existing PATRIOT Act authorities and national security letters will diminish the ability of the law enforcement community to protect us from these terrorist attacks.

As an individual Senator from Connecticut, as a Senator privileged to serve as chairman of the Homeland Security Committee, I am proud to join with Senators SESSIONS and BOND in introducing this clean, total reauthorization of the expiring PATRIOT Act provisions and urge my colleagues to support swift passage of this simple, proven, and vitally important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, our intelligence community should never be forced to question whether our priority is protecting America's safety or protecting the privacy of terrorists. This bill makes clear to intelligence professionals that keeping our Nation safe is their highest responsibility and assures they have the tools needed to get the job done. That is why I am so pleased to join with my colleagues, Senators LIEBERMAN and SESSIONS, in reauthorizing three FISA provisions—lone wolf, wiretap, and section 215—which would otherwise expire.

This legislation we have introduced today, without change, reauthorizes these three national vital security tools for 4 more years. While I believe each of these tools should be made permanent and Congress plays a dangerous game with national security every time we impose arbitrary sunsets, it is essential that the community's ability to collect lifesaving foreign intelligence should continue unimpeded.

Our bill also makes conforming changes to the disclosure requirements for national security letters in light of the Second Circuit's decision last year. These issues are so critical and so urgent to our well-being and security as a nation, nothing else will matter, even the current health care debate, if we fail in national security.

I have spoken before on this floor about the need for President Obama to make a decision about Afghanistan. I will not repeat those points today. But as our military, intelligence, and law enforcement professionals defend the United States and its allies in Washington, there is an effort afoot to make this fight much harder than it needs to be.

The U.S. PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act were passed overwhelmingly in the aftermath of the September 11 terror attacks. For years, terrorism was treated as a law enforcement matter.

Our Nation responded to terrorist attack after terrorist attack, to the deaths of our servicemembers and embassy personnel, with indictments and arrest warrants. As Congress failed to give our intelligence operators the tools they needed to act quickly, our terrorist enemies became even more emboldened and determined to strike our homeland. September 11 was a wake-up call.

Our driving mission appropriately, after that, became prevention and disruption of terrorist attacks at home against our troops overseas and against

our allies. That is why the legislation we passed provided the necessary tools. In 2005, the PATRIOT Act was reauthorized with minor changes, but three FISA provisions remained subject to sunset. Here is an opportunity for us to reauthorize these three vital provisions. There is little disagreement among people who know that these provisions should and must be reauthorized.

FBI Director Mueller testified before the Judiciary Committee that each is important to the FBI's work in national security and criminal investigation. But because of the enhanced information sharing rules and procedures, other community entities, such as the Counterterrorism Center, are often dependent upon information collected under these authorities. Their loss would adversely impact their ability to analyze and share important national intelligence information. As an example, if the FBI obtains a court order under FISA for a roving wiretap targeting a terrorist subject in New York, foreign intelligence information obtained there may be shared with the CIA, enabling them in turn to target associates overseas.

Events over the past few months underscore the importance of giving the FBI and other agencies all the tools and authorities they need to stay ahead. From the disrupted terror plots in New York and Colorado to those in Illinois, Texas, and North Carolina, we have seen firsthand why the FBI must have the flexibility to get the information they need as quickly as possible to prevent these attacks.

The benefit of our intelligence collection authorities, however, does not just benefit our own citizens. Just as overseas terror threats may impact our safety, threats posed by some within our country do not always end here. We learned two men in Chicago were conspiring with associates to commit terrorist attacks in Denmark. This case is a good example of how FISA authorities can save lives in allied countries. There is a belief among some that as long as the intelligence community eventually gets the information it needs, time is not of the essence. That is not true. Timing was everything, whether it was introducing an undercover agent to a target at the right moment or conducting surveillance at the right time. No intelligence collector is going to say that getting the same information 3 weeks later is good enough.

I cannot comment on specific tools that were used in foiling all of these plots. We know both from public and classified testimony and information that the tools provided that we are authorizing today have been invaluable to our efforts to stay ahead of the terrorists. As I mentioned earlier, the FBI's ability to obtain a roving wiretap under FISA will end this year unless Congress acts.

According to Director Mueller, the FBI has used the authority 140 times in the past 5 years. The ability to track terrorists even when they repeatedly use and dump their cell phones to avoid interception is, as Director Mueller testified, ''tremendously important.'' He also noted with all the new technology, it is nothing for a target to buy four or five cell phones and use them in quick succession. I couldn't agree more.

Our enemies know our laws better than some of us do. They understand the hoops and hurdles government must clear to catch up or stay ahead. Roving wiretap authority sends a clear message that the time-honored trick of frequently changing a cell phone will not work like it used to.

Obtaining a roving wiretap requires, first and foremost, that the FBI establish probable cause that the target is an agent of a foreign power. Some critics of this provision claim it allows the FBI to avoid meeting this standard as surveillance moves from phone to phone. That is not true. Each wiretap application is approved by a FISA Court judge. If a target changes his cell phone and the FBI moves to surveil the new phone, the court is notified. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while the authority is a tremendous asset for the FBI, it poses no additional civil liberties concerns. It should be renewed.

On business records, over the past 5 years, a rallying cry against these measures has centered on section 215, allowing the FBI to obtain business records such as hotel information or travel records upon a showing of the requisite burden of proof to a FISA Court judge. We have heard time and again the FBI is using this authority to spy on people's reading habits at the local library. This is simply highly charged rhetoric not supported by facts. While the FBI has used section 215 more than 250 times in the past 5 years, no library records have been obtained. But we do know that terrorists and their associates have used library Internet access to communicate with each other and, in the appropriate case, the FBI must have the ability to obtain any relevant records relating to that usage.

Congress should not pass any legislation that would allow terrorists to use libraries or any other public facility as a safe haven for their illegal activities. If we did that, guess where all the terrorists would congregate. Do you want them all in your libraries? I don't think so.

The inspector general of the Department of Justice conducted several audits of the FBI's use of section 215 and found no abuse of authority. These audits also considered the time it takes for the FBI to obtain a 215 order. The Director has testified that business records sought by terrorism investigations by the FBI are ''absolutely essential to identifying other persons who may be involved in terrorist activities.'' The records obtained under this authority are no different from what the FBI could obtain in a criminal investigation using grand jury subpoena authority. There is rarely any delay in obtaining a grand jury subpoena. DOJ should strive to ensure that section 215 court orders are obtained in a timely and expedient manner.

Given the vital information that can be obtained, I have asked the DOJ to take steps necessary to minimize future delays. As with roving wiretap authority, I believe section 215 has adequate measures already built in to ensure that the private interests of U.S. persons are protected. I have not heard any reasonable critique of this authority, and I believe it should be authorized without changes, without delay.

The sole expiring provision that has not been used by the FBI is the lone wolf definition of an agent of a foreign power, prompting some critics to demand its repeal. Under this definition, the FBI can obtain a FISA Act search or electronic surveillance against a non-U.S. person who is not readily identifiable with a particular foreign power.

We all should be familiar with the story of Zacarias Moussaoui, the 9/11 coconspirator who was identified prior to the 9/11 attacks. But the FBI could not connect him with a particular terrorist organization and, therefore, did not submit a formal request for a FISA search order. We know Moussaoui was ultimately convicted in the Eastern District of Virginia and is now serving a life sentence for his part in the 9/11 conspiracy.

If FISA had included a lone wolf provision, the FBI could have searched his belongings and possibly gained advanced intelligence about the 9/11 plot. Once again, Director Mueller has emphasized in his recent testimony that the FBI must retain the ability to target an individual who cannot be specifically tied to a particular foreign power. The Director specifically cited the Moussaoui case as a prime example. We should never again take the risk that another Moussaoui will be identified by the FBI but escape scrutiny to prevent an attack because he could not be tied to a specific terrorist organization.

I see the ''lone wolf'' provision as a necessary tool that will only need to be used in limited circumstances. It is kind of like those ''in case of emergency, break glass'' boxes that cover certain fire alarms and equipment. We need to keep these tools available for the rare situations where they would be needed.

As I mentioned earlier, the Senate Judiciary Committee reported a PATRIOT Act reauthorization bill that makes a number of changes to section 215 authorities and other national security tools. I believe the Judiciary bill is deeply flawed, and I hope my colleagues will listen carefully and support our bill instead. There will be ample time down the road to lay out in

detail all my objections to the Judiciary bill, but let me just make a few key points.

I disagree strongly that there should be a first time ever sunset for national security letters. It is irresponsible to risk letting the law revert back to pre-9/11 status, where NSLs were largely underutilized because the burden of proof and approval levels were too high for an investigative tool.

The so-called abuses that are so often cited were actually related to something called exigent letters. Exigent letters are essentially a request to third parties, usually phone companies or Internet service providers, for immediate access to records, contingent upon a promise to provide a grand jury subpoena or a national security letter promptly.

It is important to understand that these exigent letters are not national security letters or grand jury subpoenas. While there is statutory authority for carriers to voluntarily provide the FBI with the contents of the communication if the carrier has a good-faith belief that an emergency involving death or serious physical injury requires disclosure of the communication without delay, the DOJ IG found that these exigent letter requests were issued on a routine, rather than an exigent, basis.

Interestingly, the people relying on the now corrected exigent letter problem to justify their proposed restrictions on NSLs are not calling for similar restrictions to be placed on grand jury subpoenas. They know better than to try that because there would be immediate and overwhelming objections from the Department of Justice and nearly every U.S. attorney in the country. We cannot go back to pre-9/11 days, when national security investigative techniques were significantly more difficult to use than ordinary criminal investigative techniques.

Setting aside the problems with the exigent letters, I have said, time and time again, that the errors identified by the DOJ IG were almost exclusively administrative. The FBI has acted quickly to correct these errors, and we should not respond by hamstringing their investigations.

I also disagree with requiring minimization procedures for both pen registers/trap-and-trace devices and NSLs. The FBI has been clear about the operational harm that will likely result if minimization procedures are required for the type of preliminary data, such as telephone toll records, obtained by these tools.

Aside from the basic problem of how the FBI would even go about minimizing this type of information, I do not see why it is necessary. We certainly would never impose these types of restrictions on grand jury subpoenas or other types of administrative subpoenas.

Supporters claim we need minimization procedures to protect U.S. persons, but they conveniently overlook the fact that the records we are talking about here are in the hands of third parties and are not entitled to the same type of protections that other information is subject to.

The constitutional protections were discussed in Smith v. Maryland, and the Supreme Court held we simply do not have a reasonable expectation of privacy with respect to these sorts of third-party records.

Ironically, because the FBI cannot tell from the type of information obtained by these tools if someone is a U.S. person, they would actually have to do more investigation and be more intrusive before figuring out whether the information should be minimized.

Finally, I have significant concerns about the change the Judiciary Committee bill makes to the notification period for sneak-and-peak search warrants—down from 30 to 7 days. These warrants, which are approved by a court upon a finding of probable cause, are an important tool in drug and certain terrorism cases. We know from the FBI—and I am sure if we asked the DEA, they would agree—that 7 days is not enough time before giving a target notice that a search was carried out. In a terrorism investigation, likely involving many overseas associates and evidence, it is unreasonable to have to disclose the investigation within a week, when other activities connected to that may be just beginning to be collected.

Depending on the type of information recovered from a search, testing and analysis may not even be done within 7 days. Are we going to risk blowing these investigations because of a random conclusion that 30 days is too long? I understand the government can ask for more time after the 7 days, but we do not have unlimited resources. We should not make our law enforcement agencies jump through more hoops when a court has already found that a search is proper in the first place.

I have other concerns about this bill, including the wisdom of a separate standard for library records, which I view as an even greater invitation for terrorists to use libraries to communicate with each other, and new reporting and auditing requirements. I have to wonder what additional administrative burdens these requirements will put on the FBI at the same time they are trying to focus on preventing and disrupting further attacks on our Nation.

Because of the significant operational concerns raised by the Judiciary Committee's bill, I believe that it should not be considered by the full Senate until the Intelligence Committee—as a whole—has had the opportunity to consider its implications for our national security, after hearing from Director Mueller about the impact of this entire bill on FBI operations.

There are many issues about the Judiciary bill—both classified and unclassified—that need to be addressed. The best venue in which to do that is the Intelligence Committee. Don't forget that three of the five crossover members from the Intelligence Committee voted against the Judiciary Committee bill. I would hardly call that a ringing endorsement. I believe full consideration by the Intelligence Committee would greatly improve the measures we will be acting on, on the floor.

Unfortunately, my efforts to give the Intelligence Committee the opportunity to weigh in on the Judiciary bill have thus far been unsuccessful. But at the same time, we cannot risk letting these crucial authorities lapse. For that reason, I have decided to cosponsor the legislation we are introducing today because, under this bill, I can categorically state it will have no provision that will have an adverse impact on intelligence community activities or operations.

It is not insignificant, in my opinion, that the bill we are introducing today is cosponsored by the chairman of the Homeland Security Committee, the ranking member of the Judiciary Committee, and by me, as vice chairman of the Intelligence Committee.

Each of these committees has a role to play in safeguarding our domestic security. Chairman LIEBERMAN, Ranking Member SESSIONS, and I all understand the stakes in failing to reauthorize these expiring provisions are high. The stakes in adding new and flawed provisions or creating unreasonable burdens are just as high. It serves no legitimate purpose to give the FBI or any other law enforcement or intelligence agency tools that are rendered ineffective because Congress imposes arbitrary conditions without fully appreciating their ramifications.

The sponsorship of this legislation is also noteworthy because it sends a clear and loud message that giving our law enforcement intelligence professionals the authorities and tools they need to keep the country safe is not and should not be a partisan issue.

In the last Congress, we saw firsthand the negative impact of partisanship and pandering to extreme special interests. The FISA Amendments Act was supported by a strong bipartisan margin out of the Senate Intelligence Committee. Unfortunately, as the bill wound its way through the Senate and eventually the House, it became a political football. As a result, we came too close for comfort to losing the intelligence collection authorities we had worked hard to preserve.

I am hopeful we can avoid similar partisanship and political interests to take over what should be a straightforward legislative process. The surest way of doing that is to pass the bill we introduce today.

For years, we have hammered away at the notion that there should be walls between criminal and national security investigations. We have embraced the idea that the same tools that are used to capture drug dealers and child molesters should be available

to track terrorists and spies. While the idea has been generally accepted, the execution has been lacking. Our laws still impose unnecessary divisions between administrative and grand jury subpoena authority and national security letters. Those divisions are exacerbated by the Judiciary Committee bill, which imposes new unheard of requirements on national security letters and the FISA pen register/trap-and-trace information.

Over the past 8 years, Congress has placed heavy demands on the FBI to be a full participant in the intelligence community. While the transportation has not been without some hiccups, they have come a long way since the days leading up to 9/11, when the word ''FISA'' was foreign to much of the rank and file FBI.

Now is not the time to saddle them with additional administrative burdens or to impose conditions on the use of certain tools so drastic they become useless. There are so many current and clear-cut examples of domestic terror threats before us. I have to wonder why anyone thinks this would be a good time to experiment with the vital authorities used to keep us safe.

The legislation we are introducing today will ensure our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions. Our Nation has been fortunate not to have suffered a sequel to the 9/11 attacks. Some may call it luck, but much of the credit goes to the dedicated work of our intelligence and law enforcement professionals and the availability of these tools that we are reauthorizing in this bill.

We owe our thanks to the personnel who use them. We also owe them the recognition that their jobs are as difficult as they are, and we should not be taking any steps that will make their profound responsibility to protect this country any more difficult. That is why I urge my colleagues to support this measure.

I thank my cosponsor and our lead sponsor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator BOND for his thorough analysis of the legislation that came out of the Judiciary Committee, and for bringing to bear on these great issues his vast experience as vice chair of the Intelligence Committee and his commitment to national security and protecting this country.

He and Senator LIEBERMAN represent the best of this body. They have the ability to cut through ''flapdoodle'' and to get to the heart of matters, and I appreciate so much their leadership.

Senator LIEBERMAN, the Chairman of the Homeland Security Committee, has been so involved in all of these matters. From the beginning, he tried to identify, as the 9/11 Commission did, the deficiencies in our system and tried to work toward a new way of doing business—all consistent with our great heritages of liberty and civil rights.

I do think it is important to recognize that when Senator LIEBERMAN asked the Director of the FBI: Is there one thing that we can do to help you do your job, the Director's answer was: Reauthorize the PATRIOT Act.

The bill we are introducing today represents the best parts of the legislation that emerged from the Judiciary Committee—the parts almost everyone agreed upon. Our bill renews the three expiring PATRIOT Act authorities: the rolling wiretaps authority, the business records provision, and the ''lone wolf'' section of the Intelligence Reform and Terrorism Prevention Act of 2004. Our bill also fixes a deficiency in the procedure for challenging the nondisclosure requirements of a key national security tool, the national security letter.

Section 206, the roving wiretap provision, is a commonsense tool that is absolutely necessary in this day and age. It gives our agents the ability to monitor a terrorist's phone call, even when he switches phones. Director Mueller told the Judiciary Committee this authority was extremely important, considering how easy it is for terrorists to switch cell phones.

Without this authority, a terrorist would be able to switch phones and defeat any order an investigator might have to wiretap a certain telephone. As agents run back and forth to court to get repeated permissions to monitor telephone numbers, the suspect is able to avoid surveillance.

Let me note that, in 1986, Congress approved a roving wiretap statute for domestic law enforcement. As Senator BOND and Senator LIEBERMAN said, so many of the provisions in the PATRIOT Act had already existed in the law for regular federal criminal investigations.

But it did help to create a system where national security matters could be handled expeditiously before the FISA Court, a Federal court that is experienced in these types of cases. The FISA Court maintains confidentiality without the possibility of leaks, and is readily advised on all the relevant case law involving terrorism matters.

So that is how the system works, and I think it is not at all unusual what we are proposing to do here in this bill.

Section 215—which my colleagues have referred to as the business records provision—allows agents and other Federal investigators to ask the FISA Court for permission to get certain business records. Generally, these records would be in the possession of third parties, not the individual himself or herself. Examples would include records in the possession of a phone company, hotel records, bank records, or car rental information. How important is that in a terrorism investigation? It can be absolutely critical because, for instance, terrorists often use cell phones and rental cars.

This is the type of information for which people have a diminished expectation of privacy. These are not their records, they are the rental car company's records. These are not their telephone toll records, they are the phone company's records. Everybody at the phone company or the car rental agency has access to these records. These records are not secret in the same way as something in your desk, in your home, or in your car, which would require the use of a search warrant to be obtained by law enforcement. That is why subpoenas have been issued for these types of records for years. The Drug Enforcement Administration can issue administrative subpoenas right now to obtain many of these types of records, including bank records and telephone toll records. These can be obtained by the Drug Enforcement Administration without any court approval at all.

So I want my colleagues to know that the allegation that the PATRIOT Act represents an unprecedented transfer of power to the national security investigators who are trying to protect us from terrorist attacks is not correct. The way things work in reality is that private banks, telephone companies, and motels would be perfectly willing to give records to investigators, and indeed they used to do that in days past without any subpoena because these records belong to them. But lawyers have gotten into it, and these entities have gotten worried. So very frequently today hotel chains and other companies expect a subpoena before they can turn over records pertaining to their customers. That is what section 215 is designed to deal with.

When investigating terrorism, time can be critical. Section 215 allows a court to order a company to turn over records in it possession. This key information is usually not in the possession of person under investigation, but in a third party's possession. Section 215 merely allows a court to order a business to do what is legally permitted to do anyway: help our officials pursue and catch terrorists. This is very similar—almost identical—to grand jury subpoena authority, which has been used by Federal prosecutors, State prosecutors, State attorneys general, county attorneys, and Federal investigators routinely for decades. This is not some sort of collapse of American freedoms and liberties.

The ''lone wolf'' section of the Intelligence Reform and Terrorism Prevention Act of 2004 is a commonsense provision we need to continue the fight against terrorists in the 21st century. Even though it has not been used yet, it is there to defend against a very real possibility, like the Moussaoui matter Senator BOND made reference to. It deals with the rogue terrorist who is not linked to a larger terrorist group, or at least where there is no proof of that link at a given time. In the past, the law required that national security agencies show a connection between

the terrorist and a terrorist group or foreign power in order to monitor him. This could cause a problem if a terrorist or a foreign agent left a terror group, perhaps because of a dispute. Let's say you have a lawful, court-approved wiretap and the individual being monitored says on it: You are not aggressive enough. You are too timid. I want to blow up this building in Washington, DC; you don't. Count me out. I am no longer a part of your group.

Well, since this suspect would be disconnected from a terrorist organization, under previous law he would not subject to key national security surveillance techniques. So, you can have a ''lone wolf'' under certain circumstances. In the Moussaoui case, investigators were not able to get a search warrant for his computer because it was felt that there was not sufficient proof that he was connected to a specific terrorist organization. This was even though Moussaoui's own activities created so much danger that an FBI lawyer went to great lengths to try to get approval to get that search warrant, but ultimately failed to do so. Had that search warrant been approved and that computer examined, many think 9/11 may not have occurred.

This ''lone wolf'' provision has had bipartisan support in the past. It was originally authored by Senator SCHUMER, our Democratic colleague from New York. It is a commonsense way to deal with this very real issue and should be reauthorized without delay.

Finally, our bill fixes the problem found by the U.S. Court of Appeals for the Second Circuit in the case of Doe v. Mukasey. That case addressed the legal standard courts use to review nondisclosure requirements: for example, where a motel would be required not to tell a terrorist staying there that it has given records to the FBI. The Second Circuit held that the legal standard at issue was too deferential to the government. Our bill would fix this problem in the same manner, almost word for word, as the legislation that emerged from the Judiciary Committee in the past few weeks. In other words, we have given more protection to civil liberties, as the court suggested.

So as the recent slew of terrorism arrests makes so painfully clear, the threat of violent Islamic extremism is severe and ongoing. We cannot afford to let our guard down for a single moment. The threat is too great and too real and the stakes too high.

Our agents risk their lives every day to investigate terrorist plots and prevent another attack against the United States. Congress must move with the same urgency to reauthorize these lifesaving provisions before they expire. I believe this bipartisan bill is basically the same bill as we approved before and provides a commonsense and noncontroversial path to a timely reauthorization, and I hope my colleagues will support it. We simply need to get busy and get this work done.

Mr. President, 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. 2336

*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 ''USA PATRIOT Reauthorization Act of 2009''.

**SEC. 2. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT SUNSET PROVISIONS.**

(a) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''2009'' and inserting ''2013''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 601(a)(1)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)(D)) is amended by striking ''section 501;'' and inserting ''section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);''.

(2) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2477) is amended by striking the period at the end and inserting '', except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

'(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);'.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2013.

**SEC. 3. EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.**

(a) IN GENERAL.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is amended to read as follows:

''(b) SUNSET.—

''(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

''(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.''.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting ''pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note);''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on December 31, 2013.

**SEC. 4. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for any district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 328—COMMEMORATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL, THE END OF THE DIVISION OF EUROPE, AND THE BEGINNING OF THE PEACEFUL AND DEMOCRATIC REUNIFICATION OF GERMANY.

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 328

Whereas, between 1945 and 1961, more than 2,500,000 people, or 15 percent of the total population of the German Democratic Republic (referred to in this preamble as ''East Germany''), left the country to pursue economic opportunity and enjoy the benefits of liberty and political freedom in the Federal Republic of Germany (referred to in this preamble as ''West Germany'') and other countries;

Whereas, at midnight on August 13, 1961, East Germany sealed its border with West Berlin and began construction of a 100-mile barrier that would later include bunkers, watchtowers, searchlights, minefields, barbed wire, concrete walls, and armed guards, to prevent the emigration of the people of East Germany to seek freedom and opportunity elsewhere;

Whereas, during the 28 years the Berlin Wall existed, approximately 5,000 people successfully fled East Germany for West Germany and West Berlin, more than 75,000 people were imprisoned for attempting to leave East Germany, and an estimated 1,200 people were killed trying to escape;

Whereas Presidents John F. Kennedy and Ronald Reagan declared their vision of Berlin as a free city, in the heart of a free Germany;

Whereas Chancellor Willi Brandt of West Germany and others demonstrated great foresight in their pursuit of ''Ostpolitik'', a policy of engagement that lowered tensions and ultimately helped undermine the authoritarian rule of the wall-builders;

Whereas more than 22,000,000 Americans served in the Cold War, supporting the efforts to bring military, economic, and diplomatic pressure to bear in the defense of Germany and the West, and ultimately helping more than 400,000,000 people gain their freedom from the bondage of communism in the Soviet Bloc;

Whereas the Solidarity Movement in Poland demonstrated that the will of a people united could not be silenced by winning a surprise landslide victory in elections to the Contract Sejm in June 1989;

Whereas, on August 23, 1989, Hungary officially opened the border between Hungary and Austria, resulting in 13,000 refugees from East Germany fleeing into West Germany through Hungary;

Whereas, on September 4, 1989, after prayers for peace in the Nikolai Church, crowds that would eventually number in the hundreds of thousands gathered in Leipzig, East Germany, to repeatedly and peacefully protest the authoritarian regime of East Germany and to demand basic freedoms;

Whereas, in September 1989, thousands of people in East Germany took refuge in the embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader Erich Honecker, who had predicted that the Wall ''will stand in fifty or a hundred years,'' resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowki announced that the government would allow ''every citizen of the German Democratic Republic to leave the GDR through any of the border crossings,'' and East German leader Egon Krenz promised ''free, general, democratic and secret elections'';

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the ''Festival of Freedom'';

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

### SENATE RESOLUTION 329—RECOGNIZING THE MONTH OF OCTOBER 2009 AS ''NATIONAL PRINCIPALS MONTH''

Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as ''National Principals Month'';

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of ''National Principals Month'' would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the month of October 2009 as ''National Principals Month''; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of ''National Principals Month''.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2710. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2711. Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2712. Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3548, supra.

SA 2713. Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2714. Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2715. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2716. Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2717. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2718. Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2719. Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.