

called *Doe v. Mukasey* fix is needed to address a first amendment problem with the national security letter statutes, and should not have been controversial in any way. Similarly, no one can seriously contend that periodic audits by an inspector general of past operations presented any operational concerns to law enforcement or intelligence gathering. These are vital oversight tools that everyone should have supported.

As it stands now, the extension of the PATRIOT Act provisions does not include a single improvement or reform, and includes not even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans. We could have provided the necessary tools to law enforcement and the intelligence community, but could have done so while faithfully performing our duty to protect the constitutional principles and civil liberties upon which all American rely.

Today's Washington Post included an editorial that urged the Senate to extend the PATRIOT Act authorities but also to include "additional protections meant to ensure that these robust tools are used appropriately." The editorial observed that the bill "would be that much stronger" if it included the oversight and auditing requirements included in our amendment. That is why Senator PAUL and a dozen other Senators had sponsored the amendment. That is why Senator LEE voted for them this year in the Judiciary Committee. And I would note that Senator KYL and Senator CORNYN supported them in the last Congress.

I ask unanimous consent to have printed in the RECORD a copy of today's editorial from the Washington Post entitled, "A Chance to Put Protections in the PATRIOT Act."

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

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE PATRIOT ACT

(By the Editorial Board)

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize "any tangible item" deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D-Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D-Nev.) and Sen. Rand Paul (R-Ky.) over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1082, introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1082) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1082) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1082

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 "Small Business Additional Temporary Extension Act of 2011".

SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended—

(1) by striking "Any" and inserting "Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any"; and

(2) by striking "May 31, 2011" each place it appears and inserting "July 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking "TERMINATION.—" and all that follows through "the authorization" and inserting "TERMINATION.—The authorization";

(2) by striking "2008" and inserting "2011"; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking "IN GENERAL.—" and all that follows through "with respect" and inserting "IN GENERAL.—With respect";

(2) by striking "2009" and inserting "2011"; and

(3) by striking clause (ii).

(c) COMMERCIALIZATION PILOT PROGRAM.—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking "2010" and inserting "2011".

SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011—Continued

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator SESSIONS be recognized to speak for up to 20 minutes for debate only.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, we had an unfortunate series of votes last night, in my opinion, because it was all arranged by our leadership in the Senate to have a series of votes to do nothing. That is unfortunate because the United States of America, and the Senate are proceeding with an idea that they do not have to have a budget. In fact, the majority leader, Senator