

It also resulted from the fact that Congress granted all civilian Federal employees a higher pay raise than the Bush administration asked for, but none of the appropriations subcommittees were given adequate funding allocations to fully fund those pay raises.

Now we know the FAA's inspection efforts are falling short. We have troubling reports today from the Department of Transportation's Inspector General, from the Government Accountability Office, and the National Transportation Safety Board.

Yet despite all those dangers, the FAA had to go ahead and decrease the number of FAA safety inspectors dramatically last year because of those across-the-board cuts. No one can stand up today and say that an across-the-board cut has no impact.

Let us fast-forward to right now, this year. I am very proud to say that the House and Senate Appropriations Committees have worked to address this safety vulnerability. Both committees provided increased funds over and above the levels requested by the Bush administration to bring the number of safety inspectors back to reasonable levels.

In the fiscal year 2006 Transportation-Treasury-HUD appropriations bill that the President signed a few weeks ago, we provided \$8 million dollars to boost employment in the FAA safety office by 119 inspectors. That is not going to restore all of the safety inspectors that we lost last year. But it will move staffing in this critical function in the right direction.

But if Congress enacts an across-the-board cut, it will completely eliminate all of the progress we just made in ensuring safety in our skies.

An across-the-board cut that threatens to be included in the final appropriations bill this year could cut the FAA's operations account by over \$160 million and then put the FAA's budgetary situation right back where it was. That will require downsizing of the FAA inspector workforce while the critical workload continues to grow.

The situation is almost identical when it comes to the FAA's efforts to avoid the continued attrition in the ranks of our air traffic controllers. It is estimated that 73 percent of the FAA's air traffic controllers will be eligible to retire over the next decade.

In the fiscal year 2006 Transportation appropriations bill just signed into law, we provided almost \$25 million to hire an additional 1,250 air traffic controllers. That funding is essential in order to replace the over 650 air traffic controllers who are expected to retire over the course of the next year and to build that workforce back up so we can handle retirements in the future.

Another across-the-board cut this year will completely nullify our effort to hire an adequate number of air traffic controllers. Such a cut will put America's flying public at great risk.

As I said, those across-the-board cuts have a meaningful impact, and they

recklessly eliminate initiatives that are critical to the safety of American citizens.

If Senators don't want to take my word for it, they need to listen to the word's of George Bush's FAA Administrator, Marion Blakey. I have had several discussions with her about this topic in the last few weeks. She recently sent me a letter. I will read a portion of it. It says:

Over the past two years, we experienced a net loss of 1,000 controllers and 231 safety inspectors. I don't believe Congress intended that to happen, but that has been the impact of unfunded pay raises.

I am concerned it is going to happen again if Congress adopts an across-the-board reduction in the final bill.

Mr. President, I ask unanimous consent that the letter I received from the Bush administration's FAA Administrator, Marion Blakey, be printed in the RECORD.

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

FEDERAL AVIATION ADMINISTRATION,

DEAR SENATOR MURRAY: Before you complete work on the TTHUD bill, I would like to speak to you about the FAA's budget. Last fiscal year we significantly reduced costs, including contracting our Flight Service Stations and eliminating more than 400 non-safety jobs. Unfortunately, these efforts were not enough to cover our shortfall. Over the past two years, we experienced a net loss of 1,000 controllers and 231 safety inspectors. I don't believe Congress intended that to happen, but that has been the impact of unfunded pay raises and rescissions.

I am concerned it is going to happen again if Congress adopts an across-the-board reduction in the final bill.

MARION BLAKEY,  
*Administrator.*

Mrs. MURRAY. Mr. President, in conclusion, I want to implore my colleagues to heed the warning of the FAA Administrator and me. We have to reject this absurd and reckless policy.

If we can declare an emergency under the Budget Act and provide the funding necessary to rebuild Iraq without offsets, then surely we can do the same when it comes to rebuilding Mississippi and Louisiana.

We certainly should not be cutting essential services to all Americans across the country, especially low-income Americans, for the purpose of funding the needs of the victims of Hurricane Katrina. Those cuts will simply create another wave of victims.

As I just outlined, it will put the well being of Americans at risk.

The PRESIDING OFFICER. The Senator from Illinois.

#### PATRIOT ACT

Mr. OBAMA. Mr. President, 4 years ago, following the most devastating attack in our history, this Senate passed the USA PATRIOT Act in order to give our Nation's law enforcement the tools they needed to track down terrorists who plot and lurk within our own borders and all over the world; terrorists who, right now, are looking to exploit

weaknesses in our laws and our security to carry out attacks that may be even deadlier than those that took place on September 11.

We all agree we need legislation to make it harder for suspected terrorists to go undetected in this country. And we all agree that we needed to make it harder for them to organize and strategize and get flight licenses and sneak across our borders. Americans everywhere wanted to do that.

Soon after the PATRIOT Act passed, a few years before I even arrived in the Senate, I began hearing concerns from people of every background and political leaning that this law, the very purpose of which was to protect us, was also threatening to violate some of the rights and freedoms we hold most dear; that it does not just provide law enforcement the powers it needed to keep us safe but powers it did not need to invade our privacy without cause or suspicion.

Now, in Washington, this issue has tended to generate into the typical either/or debate: Either we protect our people from terror or we protect our most cherished principles. I suggest this is a false choice. It asks too little of us and it assumes too little about America.

That is why, as it has come to time to reauthorize the USA PATRIOT Act, we have been working in a bipartisan way to do both, to show the American people we can track down terrorists without trampling on our civil liberties, to show the American people that the Federal Government will only issue warrants and execute searches because it needs to do so, not because it can do so.

What we have been trying to achieve under the leadership of a bipartisan group of Senators is some accountability in this process to get answers and see evidence where there is suspicion.

Several weeks ago, these efforts bore fruit. The Judiciary Committee and the Senate managed to pass a piece of bipartisan legislation that, while I cannot say is perfect, was able to address some of the most serious problems in the existing law. Unfortunately, that strong bipartisan legislation has been tossed aside in conference. Instead, we have been forced to consider a piece of rushed legislation that fails to address the concerns of Members of both parties as well as the American people.

This is legislation that puts our own Justice Department above the law. When national security letters are issued, they allow Federal agents to conduct any search on any American, no matter how extensive, how wide ranging, without ever going before a judge to prove the search is necessary. All that is needed is a signoff from a local FBI agent. That is it.

Once a business or a person receives notification they will be searched, they are prohibited from telling anyone about it and they are even prohibited from challenging this automatic gag

order in court. Even though judges have already found that similar restrictions violate the first amendment, this conference report disregards the case law and the right to challenge the gag order.

If you do decide to consult an attorney for legal advice, hold on; you will have to tell the FBI you have done so. Think about that: You want to talk to a lawyer about whether your actions are going to be causing you to get into trouble, you have to tell the FBI that you are consulting a lawyer. This is unheard of. There is no such requirement in any other area of the law. I see no reason why it is justified here.

If someone wants to know why their own Government has decided to go on a fishing expedition through every personal record or private document, through the library books you read, the phone calls you have made, the e-mails you have sent, this legislation gives people no rights to appeal the need for such a search in a court of law. No judge will hear your plea; no jury will hear your case. This is plain wrong. There are Republican Senators as well as Democratic Senators who recognize it is plain wrong.

Giving law enforcement the tools they need to investigate suspicious activities is one thing and it is the right thing. But doing it without any real oversight seriously jeopardizes the rights of all Americans and the ideals America stands for.

Supporters of this conference report have argued we should hold our noses and support this legislation because it is not going to get any better. That is not a good argument. We can do better. We have time to do better. It does not convince me I should support this report. We owe it to the Nation, we owe it to those who fought for our civil liberties, we owe it to the future and our children to make sure we craft the kind of legislation that would make us proud, not legislation we would settle for because we are in a rush. We do not have to settle for a PATRIOT Act that sacrifices our liberties or our safety. We can have one that secures both.

There have been proposals on both sides of the aisle and in both Houses of Congress to extend the PATRIOT Act for 3 months so we can reach an agreement on this bill that is well thought through. I support these efforts and will oppose cloture on what I consider to be this unacceptable conference report.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

#### DEFICIT REDUCTION ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m.

having arrived, the Senate will resume consideration of the House message accompanying S. 1932. The clerk will report.

The bill clerk read as follows:

A bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Pending:

DeWine motion to instruct conferees to insist that any conference report shall not include the provisions contained in section 8701 of the House amendment relating to the repeal of section 754 of the Tariff Act of 1930.

Kohl motion to instruct conferees to insist that any conference report shall not include any of the provisions in the House amendment that reduce funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), and to insist that the conference report shall not include any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

Kennedy motion to instruct conferees to insist that the Senate provisions increasing need-based financial aid in the bill, S. 1932, which were fully offset by savings in the bill, S. 1932, be included in the final conference report and that the House provisions in the bill, H.R. 4241, that impose new fees and costs on students in school and in repayment be rejected in the final conference report.

Reed motion to instruct conferees to insist on a provision that makes available \$2,920,000,000 for the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), in addition to the \$2,183,000,000 made available for such act in the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 2006.

Mr. GREGG. Mr. President, I ask unanimous consent that it be deemed that the yeas and nays have been ordered on the next four items which are set for votes.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays en bloc.

Mr. GREGG. I ask for the yeas and nays en bloc.

Mr. DEWINE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. What is the request?

Mr. GREGG. The point of the request is to allow the yeas and nays on each item and that they be voted on seriatim.

Mr. DEWINE. I withdraw my reservation.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered en bloc.

Mr. GREGG. Mr. President, I ask unanimous consent that after the first vote, the subsequent votes be 10 minutes in duration.

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

#### MOTION TO INSTRUCT CONFEREES

The PRESIDING OFFICER. Who yields time on the first motion? The Senator from Ohio.

Mr. DEWINE. Mr. President, I urge my colleagues to vote yes on this motion to instruct the conferees to support something that 72 Senators have already supported in letters they have signed in the past, 72 Members of this body, and I have the list for anyone who would like to see it when they come to the Chamber.

This is to support a bill that is currently law, the Continued Dumping and Subsidy Offset Act. It is a bill that has helped companies in 48 States across this country. More importantly, it has helped workers in 48 States across this country. It has helped employers who create additional jobs. The idea is to compensate companies that have been victimized by illegal foreign dumping in this country. Instead of giving money to the Treasury, it goes to these companies, and these companies have the right then to reinvest and create jobs.

Some people have argued this is some sort of special interest. I ask Members of the Senate, when in the world did it become a special interest to protect American jobs?

This is a proven way to fight back against illegal trade. It is a proven way to protect American jobs. I urge a "yes" vote.

Mr. BYRD. Mr. President, I wish to join my Republican colleagues, Senator DEWINE, Senator SPECTER, and Senator CRAIG, all of whom have already spoken so eloquently in support of a motion introduced by Senator DEWINE yesterday to instruct conferees on the budget bill to strike an ill-conceived House provision that would repeal the Continued Dumping and Subsidy Offset Act, also known as CDSOA.

To repeal or abandon this trade law would be a travesty. The Continued Dumping and Subsidy Offset Act was enacted to save American manufacturing and our agricultural producers from wave after wave of unfairly dumped foreign imports.

CDSOA remains one of the most successful trade programs ever enacted. It maintains America's corporate competitiveness; it enables small and medium-sized businesses—and family-owned businesses—to invest in their futures. It keeps American workers employed, so they can receive health and pension benefits. This law is about American jobs. As Senator DEWINE said yesterday, this law is not about rewarding special interests: It is about keeping American jobs.

Five years ago, a bipartisan majority of the Senate approved our amendment to give U.S. companies injured by unfair trade the ability to invest in their factories and workers with funds collected by the Customs Service from unfairly traded imports. I particularly appreciate the continued strong support that Senator DEWINE and many of our colleagues on the other side of the aisle continue to express in support of this law. In fact, three-fourths of the Senate has publicly pledged support for the law.