

NOT VOTING—3

Bingaman Domenici Thomas

The bill (H.R. 4297), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

USA PATRIOT ACT EXTENSION

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 4659.

The legislative clerk read as follows:

A bill (H.R. 4659) to amend the USA PATRIOT Act to extend the sunset of certain provisions of such Act.

The PRESIDING OFFICER. There are now 10 minutes equally divided for debate. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, the Republican leadership of the House and the Senate has proposed a second extension of the PATRIOT Act to last another 5 weeks until March 10. I support that. I support it because it is basically what Senator SUNUNU and I proposed in December in the bipartisan S. 2082, cosponsored by 47 Senators from both sides of the aisle. I hope this will allow us to make the final improvements necessary so that the final PATRIOT Act can be passed.

I support H.R. 4659, a bill by Chairman SENSENBRENNER. I hope all Senators from both sides of the aisle will. I say this because—*notwithstanding the fact that the Senate doesn't even have a modicum of order, I would note, I am prepared to yield back the rest of my time if the place would just hush a tiny bit—it is a vital debate. The terrorist threat to American security is very real. It is vital that we have the tools to protect American security. That is why I coauthored the PATRIOT Act 5 years ago. That is why it passed with broad bipartisan support. I didn't believe it was a perfect piece of legislation, but I thought it was a good piece of legislation.*

And then the Republican leader in the House, Dick Arme, and I put certain sunset provisions in it so that we would actually look at this again. I think we have done that. We are close to having a final product. After all, our Nation is a democracy. It is based on the principles of a balanced government, which requires something that we have not seen enough of lately—checks and balances. We can do that in this act.

I noted earlier this week that I was concerned that the Republican congressional leadership had not even proposed to the Senate Democratic leadership or to that of the Judiciary Committee that action be taken to ensure that certain sunset provisions of the USA PATRIOT Act not be allowed simply to expire at the end of this week. Thereafter, action was finally considered. Yesterday the House passed a bill to extend the sunset provisions until March 10, 2006. I support H.R. 4659, Chairman SENSENBRENNER's bill.

Those of us working constructively and in a bipartisan way to extend the USA PATRIOT Act with improvements have repeatedly offered to meet to work out the remaining differences. Regrettably, the Senate leadership has not made the effort to work through the remaining concerns or to bring us together. I was concerned because as recently as last week leading Republicans were indicating that they opposed another short-term extension that could be used to work out improvements that can lead to longer term Senate reauthorization.

I was concerned that the demagoguery we had witnessed from the White House and House Republicans would be repeated, but that this time it would have real consequences. Last December, even though a majority of Senators—Republicans and Democrats, those who voted against cloture on the conference report that failed to pass the Senate and those who voted for it urged the Republican leader to act on a short-term, 3-month extension before the end of the last session. At that time the President had said that he would not approve a short-term extension, and House Republicans had said that they would not allow a short-term extension. Those who threatened to let it expire were playing a dangerous political game. Fortunately, common sense prevailed, and in the waning days of the last session, just before adjournment for Christmas, the House approved a short-term extension until February 3, and the President reversed his earlier position and signed it into law.

Now the Republican leadership of the House and Senate is proposing a second extension that will last for another 5 weeks, until March 10. That is in line with the initial bipartisan proposal that Senator SUNUNU and I made in S. 2082, back on December 12, that came to be cosponsored by 47 Senators. It is my hope that this will allow us the opportunity to work out improvements to the reauthorization legislation to better protect the liberties and rights of ordinary Americans. We should do our best to get it right for all Americans.

I have continued meeting and talking with interested Republican and Democratic Senators. Senate staff has finally gotten together this week in a bipartisan meeting. I have joined in a bipartisan request to the majority leader that he bring together key interested Senators to work out a bipartisan compromise that improves the failed conference report.

Contrary to the false claims and misrepresentations by some, there was no effort on either side of the aisle to do away with the PATRIOT Act. That is simply and profoundly not true. Along with others in the Senate, I am seeking to mend and extend the PATRIOT Act, not to end it. There is no reason why the American people cannot have a PATRIOT Act that is both effective and that adequately protects their rights

and their privacy. The only people who ever threatened an expiration of the PATRIOT Act were the President and House Republicans. As I noted on December 21, the administration and the Republican congressional leadership were those who were objecting to extending the act and threatening its expiration. That was wrong. That made no sense. They came to their senses in the days that followed.

In his State of the Union speech this week the President said only that reauthorizing the PATRIOT Act was needed to provide the same tools we provide to law enforcement authorities to fight drug trafficking and organized crime. I have worked with others to provide additional tools in the fight against terrorism. With others on both sides of the aisle, I also want to protect the liberties of ordinary and law-abiding Americans from overreaching and unchecked Government intrusion. Permanent gag orders and conclusive presumptions in favor of the Government, when intrusive demands for library records or personal medical records are being made by agents without court approval, smack of a police state, not the United States.

Republican and Democratic Senators joined together last month to say we can do better to protect Americans' liberties while ensuring that our national security is as strong as it can be. In the days after 9/11, the Senate Democratic majority joined with Republicans and the administration in bipartisan action. Unfortunately, the President's political adviser Karl Rove and other Republican partisans have sought to make the PATRIOT Act a partisan issue. I urge them, instead, to join with our bipartisan coalition and work with us to provide a better balance to protect the rights of ordinary Americans.

Every single Senator—Republican and Democratic—voted last July to mend and extend the PATRIOT Act. That bipartisan solution was cast aside by the Bush administration and Republican congressional leaders when they hijacked the conference report, rewrote the bill in ways that fell short in protecting basic civil liberties, and then tried to ram it through Congress as an all-or-nothing proposition. I have joined with Senators of both parties in an effort to work to improve the bill. Some of us are working hard to protect the security and liberty of Americans. What is wrong is for the White House to seek to manipulate this into a partisan fight for its partisan political advantage. Instead of playing partisan politics, the Bush administration and Republican congressional leadership should join in trying to improve the law. Especially when security and liberty are at issue, why not make the extra effort to produce a consensus bill that can deserve the confidence of the American people?

This is a vital debate. The terrorist threat to America's security is very real, and it is vital that we be armed

with the tools needed to protect Americans' security. At the same time, the threat to civil liberties is also very real in America today. The question is not whether the Government should have the tools it needs to protect the American people. Of course it should. That is why I coauthored the PATRIOT Act 5 years ago, and that is why that act passed with broad bipartisan support. When I voted for the PATRIOT Act, I did not think it was an ideal piece of legislation, and I knew that it would need careful oversight and, in due course, reform. This is about how to reconcile two fundamental goals—ensuring the safety of the American people and protecting their liberty by means of a system of checks and balances that keeps the Government—their Government—accountable. Those goals should not be the goals of any particular party or ideology, they are shared American goals.

Our Nation is a democracy, founded on the principles of balanced government. We need to restore checks and balances in this country to protect us all and all that we hold dear. Our Congress and our courts provide checks on the abuse of executive authority and should protect our liberties. We need to write the law so that Congress has provided its check in the law and so that courts can play their role, as well. All Americans need to take notice and demand that their liberties and security be properly and effectively maintained.

I see the senior Senator, my good friend from Pennsylvania, on the floor. I will yield back the rest of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. LEAHY. Mr. President, first, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, we need the PATRIOT Act. I am prepared to work on it further to improve it. I support the bill, and I yield back 4 minutes 45 seconds of my 5 minutes.

The PRESIDING OFFICER. The question is on third reading and passage of the bill.

The bill (H.R. 4659) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. THOMAS), and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—95

Akaka	Dole	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chafee	Jeffords	Sessions
Chambliss	Johnson	Shelby
Clinton	Kennedy	Smith
Coburn	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Kyl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Cornyn	Leahy	Talent
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lugar	Warner
DeWine	Martinez	Wyden
Dodd	McCain	

NAYS—1

Feingold

NOT VOTING—4

Bingaman	Lott
Domenici	Thomas

The bill (H.R. 4659) was passed.

Mr. FRIST. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FREE TRADE AGREEMENT— REPUBLIC OF KOREA

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached letter from the United States Trade Representative be entered into the RECORD. It serves as notification to Congress that the President intends to initiate negotiations for a free trade agreement, FTA, with the Republic of Korea.

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

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE, WASHINGTON, DC, FEBRUARY 2, 2006.

Hon. TED STEVENS,
President pro tempore, U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: In accordance with section 2104(a)(1) of the Trade Act of 2002 (the Trade Act), and pursuant to authority delegated to me by the President, I am pleased to notify the Congress that the President intends to initiate negotiations for a free trade agreement (FTA) with the Republic of Korea. We expect these negotiations to commence in May 2006. We will be consulting closely with the Congress regarding these negotiations, as required by the Trade Act.

The Administration is committed to concluding trade agreements that benefit our farmers, workers, businesses, and families by opening markets around the world. With the continued help of Congress, we will continue to advance America's trade interests.

An FTA with Korea will help foster economic growth and create higher paying jobs in the United States by reducing and eliminating barriers to trade and investment between Korea and the United States. An FTA will enable American companies to increase their exports of goods and services to Korea. The FTA will require Korea to eliminate its tariffs on U.S. industrial and agricultural goods, remove any unjustified sanitary and phytosanitary (SPS) measures, improve the transparency of its regulatory and licensing procedures, and lower its barriers to U.S. service providers.

The United States has much to gain through an FTA with Korea. Korea already is our seventh largest trading partner with \$72.6 billion in total bilateral trade during 2004. An FTA promises to increase trade still further across a wide range of goods and services and thereby promote economic growth and the creation of better paying jobs in both countries. An FTA will also level the playing field for U.S. exports in Korea by providing U.S. products treatment comparable to that which Korea has offered its other FTA partners, such as Chile, Singapore, and the European Free Trade Association countries (Iceland, Norway, Switzerland, and Liechtenstein).

An FTA with Korea will provide benefits for U.S. agricultural producers. In 2005, based on eleven month annualized data, Korea was the sixth largest export market for U.S. farm and ranch products. Under an FTA, Korea will eliminate duties on U.S. agricultural goods and reduce other barriers in Korea's agricultural sector, thus creating new opportunities for U.S. farmers in this major market. U.S. negotiators will work hard to ensure that the FTA facilitates further market access for U.S. food and other agricultural exports to Korea and addresses the full range of trade barriers that U.S. agriculture exports currently face in Korea, including unjustified SPS measures. We will consult closely with Congress and the U.S. agriculture community in developing our positions on agricultural issues during the negotiations.

The FTA will also promote exports of U.S. industrial goods by eliminating Korea's tariffs on U.S. products and reducing its non-tariff barriers. U.S. industry groups have consistently cited Korea as a potential FTA partner because of the significant opportunities an FTA will provide for new U.S. industrial goods exports. FTA negotiations will also provide an opportunity to reduce or eliminate restrictions that make it difficult for U.S. service providers to operate in the Korean market.

In recent years, U.S. industry has repeatedly pointed out deficiencies in Korea's efforts to protect intellectual property. The Administration has held extensive, detailed discussions on this subject with Korea since 2001, and Korea has made progress on important issues, including improved protection for sound recordings transmitted over the Internet and better enforcement against software and textbook piracy. FTA negotiations will provide a unique opportunity to improve further the protection that Korea affords to intellectual property, including strengthened measures in Korea against the illegal online distribution and transmission of copyrighted works.

We also recognize the concerns raised by U.S. industry about the close interaction between the Korean government and business in some sectors of the economy and the insufficient transparency in Korea's regulatory processes. In order to address these concerns, we will seek to ensure that the FTA provides