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Spelman College has prepared more than six generations of African-American women to reach the highest levels of academic, community, and professional achievement. My cosponsors Mr. ISAKSON and Mr. CHAMBLISS and I also thank the administration, faculty, staff, students, and alumnae of the college for their outstanding achievements and contribution to African-American education, history, and culture.

SENATE PHOTOGRAPHS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 543, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 543) temporarily suspending the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings for the purpose of permitting the taking of photographs in the area of the Daily Press Gallery.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 543) was agreed to, as follows:

S. RES. 543

Resolved, That—

(1) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) shall be temporarily suspended for the purpose of permitting the taking of photographs in the area of the Daily Press Gallery;

(2) photographs permitted under paragraph (1) may only be taken at a time when the Senate is in recess;

(3) photographs permitted to be taken under paragraph (1) may only be used in relation to United States District Court Civil Action No. 04-0026; and

(4) the Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements for implementation of paragraph (1), which arrangements shall provide that there will be no disruption to the business of the Senate.

GOVERNMENT OF ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS AND THE WELFARE OF ORPHANED OR ABANDONED CHILDREN IN ROMANIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 359.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 359) concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 359) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 359

Whereas following the execution of Romanian President Nicolae Ceausescu in 1989, it was discovered that more than 100,000 underfed, neglected children throughout Romania were living in hundreds of squalid and inhumane institutions;

Whereas citizens of the United States responded to the dire situation of these children with an outpouring of compassion and assistance to improve conditions in those institutions and to provide for the needs of abandoned children in Romania;

Whereas, between 1990 and 2004, citizens of the United States adopted more than 8,200 Romanian children, with a similar response from the citizens of Western Europe;

Whereas the United Nations Children's Fund (UNICEF) reported in March 2005 that more than 9,000 children a year are abandoned in Romania's maternity wards or pediatric hospitals and that child abandonment in Romania in "2003 and 2004 was no different from that occurring 10, 20, or 30 years ago";

Whereas there are approximately 37,000 orphaned or abandoned children in Romania today living in state institutions, an additional 49,000 living in temporary arrangements, such as foster care, and an unknown number of children living on the streets and in maternity and pediatric hospitals;

Whereas, on December 28, 1994, Romania ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption which recognizes that "intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin";

Whereas intercountry adoption offers the hope of a permanent family for children who are orphaned or abandoned by their biological parents;

Whereas UNICEF's official position on intercountry adoption, in pertinent part, states: "For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Inter-country adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principal in making a decision regarding adoption.";

Whereas unsubstantiated allegations have been made about the fate of children adopted from Romania and the qualifications and motives of those who adopt internationally;

Whereas in June 2001, the Romanian Adoption Committee imposed a moratorium on intercountry adoption, but continued to accept new intercountry adoption applications and allowed many such applications to be processed under an exception for extraordinary circumstances;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 272/2004 on "the protection and promotion of the rights of the child", which creates new requirements for declaring a child legally available for adoption;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 273/2004 on adoption, which prohibits intercountry adoption except by a child's biological grandparent or grandparents;

Whereas there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for accession to the European Union;

Whereas the number of Romanian children adopted domestically is far less than the number abandoned and has declined further since enactment of Law 272/2004 and 273/2004 due to new, overly burdensome requirements for adoption;

Whereas prior to enactment of Law 273/2004, 211 intercountry adoption cases were pending with the Government of Romania in which children had been matched with adoptive parents in the United States, and approximately 1,500 cases were pending in which children had been matched with prospective parents in Western Europe; and

Whereas the children of Romania, and all children, deserve to be raised in permanent families: Now, therefore, be it

Resolved, That the Senate—

(1) supports the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;

(2) urges the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted;

(3) urges the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestic and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;

(4) urges the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

(5) requests that the European Union and its member states not impede the Government of Romania's efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

EXECUTIVE SESSION

MUTUAL LEGAL ASSISTANCE TREATY WITH GERMANY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 13. I further ask unanimous consent that the treaty be considered as having passed through

its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate proceed to a vote on the resolution of ratification; and further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

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

Mr. BIDEN. Mr. President, I support the Treaty on Mutual Legal Assistance with Germany, a close and trusted partner with the United States on law enforcement matters.

I would like to address one issue that arose during the review of the treaty. Article 12(1) of the treaty provides that "Each Party may at the request of the other Party, within its possibilities and under the conditions prescribed by its domestic law . . . take the necessary steps for the surveillance of telecommunications."

After the revelation last December of the program of warrantless surveillance by the National Security Agency, NSA, the question arose whether the treaty would provide another purported legal authority for the NSA program. My view is that it does not. But the President's lawyers have proffered highly dubious theories for the program, and the Senate should not make assumptions about what the executive branch thinks about a treaty, because ultimately it is the President, not the Senate, who is charged with "faithfully executing" it. So I asked the executive branch its legal view about whether the treaty provides any additional legal authority for electronic surveillance—whether for the NSA program or any other program.

On April 6, 2006, I wrote the Attorney General of the United States to ask him to confirm that the treaty does not authorize warrantless surveillance. On July 3, after nearly 3 months of deliberation, the Department of Justice responded to my letter. Why it took so long to answer this simple question is unclear. But the response itself is clear: the Justice Department letter concludes that the treaty with Germany would "in no way expand current authority under U.S. law to conduct electronic surveillance."

I welcome the Justice Department's response. While I may disagree with the Department about the scope of the current authority under U.S. law to conduct electronic surveillance, I agree with the Department's interpretation that Article 12(1) does not expand that authority.

I urge all Senators to support this treaty.

I ask unanimous consent that both letters be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 6, 2006.

Hon. ALBERTO R. GONZALES,
Attorney General of the United States,
Washington, DC.

DEAR JUDGE GONZALES: Pending before the Senate is a Treaty on Mutual Legal Assistance in Criminal Matters with Germany (Treaty Doc. 108-27).

Article 12(1) of the Treaty provides that each party may request that the other party, "under the conditions prescribed by its domestic law, take the necessary steps for the surveillance of telecommunications."

I write to request that you confirm that the Treaty does not authorize warrantless surveillance, including any surveillance authorized by the program of surveillance on which you testified before the Committee on the Judiciary on February 6, 2006.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Ranking Minority Member.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington DC, July 3, 2006.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Minority Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: This responds to your letter, dated April 6, 2006, to the Attorney General inquiring whether Article 12(1) of the Treaty on Mutual Legal Assistance in Criminal Matters with Germany would authorize warrantless surveillance, including under the Terrorist Surveillance Program described by the President.

By its terms, Article 12 would provide that "[e]ach Party may at the request of the other Party, within its possibilities and under the conditions of its domestic law [(1)] take the necessary steps for the surveillance of telecommunications." (Emphasis added.). Accordingly, the Treaty would not enlarge existing surveillance authorities.

The Terrorist Surveillance Program is a narrowly focused early warning system, targeting for interception only those international communications for which there is probable cause to believe that at least one of the parties to the communication is a member or agent of al Qaeda or an affiliated terrorist organization. It is a critical intelligence tool for protecting the United States from another catastrophic al Qaeda attack in the midst of an armed conflict. It is not a means of collecting information for foreign criminal investigations.

In sum, the MLAT with Germany would in no way expand current authority under U.S. law to conduct electronic surveillance. We hope this information is helpful. Please do not hesitate to contact this office if we may be of assistance with future matters.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER (Mr. ALLEN). A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein),

The Senate advised and consents to the ratification of the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes (Treaty Doc. 108-27).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, JULY 28, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, July 28. I further ask unanimous consent that following the prayer and pledge, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, today the Senate continued consideration of S. 3711, the gulf coast Energy bill. This morning we filed cloture on the bill, and that cloture vote will occur at 5:30 p.m. on Monday. I encourage Senators to come to the floor on Friday to speak on the Energy bill.

I notified all Senators actually about a week ago that we would be voting for sure next Monday. Although we are doing our best to accommodate Senators, it is a very important vote, and we will be having it at 5:30 p.m. on Monday. I ask Senators to adjust their schedules so they can be here.

ADAM WALSH BILL

Mr. FRIST. Mr. President, I opened my remarks tonight to say there are a lot of issues being considered. Let me in closing mention a great event we had today for a bill that will get a fair amount of attention—but not the attention it deserves—in affecting people's lives in a very direct way. It is called the Adam Walsh bill, named for a little boy, 6 years of age, who died 25 years ago today.

The bill addresses an issue that has been highlighted a lot, most recently on television, that has to do with sexual predators which had been facilitated a lot by the Internet. This bill establishes two registries. One is for sexual predators. Right now there are about 500,000 we know of in this country; 100,000 we don't know where they are. It establishes a registry across the country, a national registry.

In addition, it will develop a child abuse registry which builds on the recommendations and sponsorship initially of a wonderful nonprofit group