closer to alleviating the fears and threats to prospective witnesses and help safeguard our communities from violence. The time has come for us to show our commitment to our constituents and the justice system because, without witnesses, there can simply be no justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

(Mr. THOMPSON of Mississippi addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

(Mr. AL GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1845

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there is no other issue more central to the core responsibility of government than the duty to protect the safety and security of the American people. The right not to be killed is foundational to all other rights. The actions we take with respect to the Foreign Intelligence Surveillance Act, better known as FISA, will reflect the level of seriousness with which we have assumed this fundamental obligation.

While I take a backseat to no one when it comes to the protection of civil liberties, it is essential to understand the proper context of the issue by us.

Mr. Speaker, the focus of the debate here relates to overseas intelligence, the implications for the privacy rights of Americans, talked about so loudly on the floor last week by our colleagues on the other side of the aisle, the implications for privacy rights of Americans where surveillance targets of non-U.S. persons overseas is minimal to nonexistent.

This debate over FISA must not be morphed into an ideological crusade by those who have such a visceral dislike for President Bush that any perceived defeat for this administration is in some perverse way chalked up as a victory. The debate is not about President Bush; it is about protecting the lives of those who have sent us here to represent them.

And it is serious business. In my estimation, this is perhaps the most important issue that we will face here in the 110th Congress.

It has been my privilege to serve on both the Homeland Security and Judiciary Committees. It is my belief that we have made progress in protecting the homeland since 9/11. Under the leadership of both parties on the Homeland Security Committee, there have been disagreements about the particulars, but there has always been a bipartisan commitment to moving the ball forward to make our Nation safer.

To be brutally honest, we cannot rely on the prospect of getting it right every time someone might seek to come here to kill innocent Americans. The idea of having to construct a perfect defense in and of itself is not conceivable. However, this is where the role of intelligence comes into primary focus.

Developing a homeland security strategy must not be considered in isolation. Intelligence collection overseas is the crucial element in any strategy to secure the homeland. Otherwise, we fall prey to what I refer to as the Maginot syndrome. You remember the Maginot line. That is where the French learned a terrible lesson concerning the folly of relying on the idea that they could protect themselves with a focus on massive defense perimeter. Much more is required and, again, intelligence collection targeting non-U.S. persons can extend our homeland defense perimeter overseas.

Brian Jenkins of the RAND Corporation, a noted expert on terrorism, has stressed that our intelligence capability is a key element in our effort to protect our homeland. As he says, in the terror attacks since 9/11 we've seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

So how do we make sense out of what is taking place in this House with respect to our consideration of FISA, the Foreign Intelligence Surveillance Act? Foreign intelligence surveillance, I'd like to underscore.

The manner in which we address this crucial national security question is a clear measure of our level of seriousness about the threat posed to our Nation from another terrorist attack. The bottom line question to be asked is whether or not we are safer as a result of the action taken by this House concerning the collection of overseas intelligence.

As in the game of football, you're either advancing the ball or you are losing yardage. Does our action make America safer or does it impose obstacles in the path of the intelligence community which make their job more difficult? In making this determination, I would suggest that the line of scrimmage should be drawn with the Protect America Act. That is the act we passed in early August, on a bipartisan basis, responding to the request of Admiral McConnell, the Director of National Intelligence.

We should understand that that act represented a compromise reflecting what Admiral McConnell, the Director of National Intelligence, identified as absolutely necessary, absolutely necessary to the task of protecting the

American people. Based upon his service to our Nation, I would suggest we should take his considered opinion with the seriousness that it deserves. As a career naval officer, former head of the National Security Agency under President Clinton for 4 years, and the current Director of National Intelligence, Admiral McConnell has had a distinguished career in his service to our Nation.

Admiral McConnell and General Hayden came to the Congress with a larger package of needed changes to the Foreign Intelligence Surveillance Act last April. However, in order to close what Admiral McConnell described as gaps in our intelligence, that is, an inability for us to be able to actually find the dots that were out there, we had to act immediately. A compromise was, therefore, reached by this body this past August.

He defined the concept of ''gap'' to mean this: foreign intelligence information that we should have been collecting. In fact, Admiral McConnell indicated that prior to the enactment of our Protect America Act in August, we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA which required the government to obtain prior FISA warrants for overseas surveillance. In many cases, we couldn't obtain them. You have to have evidence to reach a standard that, frankly, at that stage you cannot reach.

Secondly, the volume of number of targets and the paperwork and, more than the paperwork, the intellectual work, the cost in time by taking analysts off the job of analyzing, to working up these requests for warrants, basically made it impossible for us to be able to go after these targets, which we'd always been able to go after in the context of FISA as it was passed in 1978.

What's the problem? The problem is that a definition of electronic surveillance constructed almost 28 years ago certainly has not kept pace with changes in technology. Ironically, when FISA was enacted, almost all international communications were wireless. Most local calls at that time were on a wire and fell within the definition of electronic surveillance requiring a warrant.

Today, it's just the reverse. Almost all international communications are transmitted by wire. Thus, international communications not intended to be covered by the warrant requirement in the 1978 act are now inadvertently covered because of the change in technology. This was never ever the intention in Congress.

Again, the act we passed in August closed the resulting national security gaps. However, less than 3 months later, here we are in the House of Representatives, the leadership of this House is now trying to reinvent the wheel. It will be one thing were we considering the other elements of a larger package which General Hayden and Admiral McConnell presented to us back in April, but that's not the case.

Rather, the leadership of this body is retreating from the provisions of the Protect America Act, which Admiral McConnell told us he needs in order to do his job. The so-called RESTORE Act undoes core provisions of this compromise that we were told was necessary to close the gaps in our intelligence.

That's why I call the RESTORE Act the Repeal Effective Surveillance Techniques Opposing Real Enemies Act, because that's what it does. It takes away the techniques that we allowed under the law that we passed last August in response to requests from Admiral McConnell based on his considered judgment that he was not able to do the job to protect the American people from the threat abroad.

Admiral McConnell affirmed that prior to the Protect America Act the intelligence community attempted to work under the law as interpreted by the court. Unfortunately, he found that as a result of working under those restrictions his agency was prohibited from successfully targeting foreign conversations, foreign conversations, that otherwise would have been targeted for possible terrorist activity.

Admiral McConnell has made it clear that although there remains elements of the larger package which would further enhance our ability to conduct surveillance against al Qaeda and other terrorist groups, the Protect America Act, that act that we passed in August which is now the law, has provided us with the tools, as he said, to close gaps in our foreign intelligence collection.

Then why are we seeking to make these critical changes in the Protect America Act before the ink is barely dry? Well, one thing is certain: the immediate reviews by the leftist blogosphere were hardly positive. Although Admiral McConnell has worked for both President Clinton and for President Bush, much of the criticism of the act in the wake of its passage seemed to stem from these objections, now, listen to this, that the White House was trying to influence the outcome of the negotiations which took place prior to its enactment. Imagine that.

When Admiral McConnell appeared before our Judiciary Committee, he faced questions along the lines of what did the White House know and when did they know it. Now, think of this: the idea that the White House would seek to have input on issues relating to the national security of the United States is about as startling as the discovery that gambling, yes, gambling, was taking place in Joe's bar during the movie ''Casablanca.''

This should not be the issue. Again, it's not about George Bush, whether you dislike him, love him or are indifferent to him. The only valid question is how best we can protect the American public from al Qaeda and others who seek to kill us.

Surveillance of foreign persons outside the United States is a central part of that effort, and the bill they presented on the floor last week, the so-called RESTORE Act, changed what we had done in August to make it difficult, in some cases impossible, to gain that information. Even if it is Osama bin Laden on the line calling into the United States, under the terms of the bill that was presented on the floor, we couldn't use information gathered from that conversation against Osama bin Laden unless we went to a court for a court order, unless the Attorney General could specifically show that information was leading to the death of a particular individual.

Now, I've said this on the floor before and I will say it again: that's just plain nuts. There's no other way to explain it. There is absolutely no other way to explain it; and perhaps with an ability to explain this kind of thinking on the floor, I would yield to the gentlelady from Tennessee to enlighten us as to her observations as to what is taking place on the floor on this important issue.

Mrs. BLACKBURN. Well, I thank the gentleman for yielding and I thank him for his leadership on the security issues that affect our great Nation.

And, Mr. Speaker, as the gentleman from California knows, national security is one of the major issues that we hear about every single day. Our constituents want to be certain that America, that our interests, that our communities are safe, and certainly, as we are looking at FISA, this is an issue that is coming before us.

One of the things that we hear regularly from constituents is, what are you doing about it? What are you doing about tracking down these terrorists? What are you doing about finding those that want to kill us? What are you doing?

Well, we did some good things last year. As the gentleman from California mentioned, the provisions that we passed, Admiral McConnell's recommendations, the pathway forward for us, how we were to proceed to be certain that we could use the information that we had. And now the RESTORE Act, and I do like the acronym that he is using, Repeal Effective Surveillance Techniques Opposing Real Enemies. That is an appropriate acronym for the bill that they brought forward.

And I think, Mr. Speaker, that our colleagues across the aisle forget that it is FISA. Maybe they think it is the U.S. Intelligence Surveillance Act, or USISA. They forget that it is FISA, Foreign Intelligence Surveillance Act.

We do seek to find those who would seek to do us harm and end our way of life. That is something we should be about every single day.

Now, we've heard from lots of people on the FISA issue, and the gentleman

from California brings such a wide range of knowledge on this, and I know he is going to be joined by others, others of our colleagues who are going to touch on this issue. Many of them are from the Republican Study Committee, and they're going to bring their expertise to bear on this.

I want to touch on one quick point. The gentleman from California highlighted some of Admiral McConnell's recommendations and procedures that we took to be certain that we closed the terrorist loophole. And the measure that the liberal leadership brought forward, the RESTORE Act, would reopen the terrorist loophole. The Democrat FISA bill creates a process by which a court order is required for U.S. persons who are outside the United States.

As the gentleman from California mentioned, if a foreign target operating overseas, such as Osama bin Laden, has either had contact with a U.S. person or called a U.S. number, our intelligence officials would be required, if this bill passed, to obtain a FISA court order to listen to those communications.

Well, in Tennessee, we would say that just doesn't make good sense, and it doesn't, Mr. Speaker; and it is frightening to think that there are those among us who may want to deal with terrorists more delicately than they would handle the welfare and well-being of our communities.

I would also highlight the New York Post and a comment that they had as we were working through the FISA overhaul and looking at these situations dealing with these cumbersome legal requirements. The New York Post quotes in an October 15, 2007, article: ''A search to rescue the men was quickly launched. But it soon ground to a halt as lawyers obeying U.S. strict laws about surveillance cobbled together the legal grounds for wiretapping the suspected kidnappers. For an excruciating 9 hours and 38 minutes searchers in Iraq waited as U.S. lawyers discussed legal issues and hammered out the 'probable cause' necessary for the Attorney General to grant such 'emergency' permission.''

We know the emergency. We know the probable cause. Men were under attack and they needed to be found. We are in a time of war. The terrorists are there to end our way of life. We have to stay a couple of steps in front of them, Mr. Speaker; and as the gentleman from California has so eloquently said, the way we do this is with a common-sense approach and very thoughtful approach to our intelligence surveillance that we have on our foreign enemies.

□ 1900

Mr. DANIEL E. LUNGREN of California. I thank the gentlelady for her comments. She mentioned a particular instance in which we brought lawyers into a situation that if you looked at it from the outside doesn't make much sense; you stop battlefield operations in order for lawyers to determine whether or not we can listen in on conversation between non-U.S. persons outside the United States.

When you look at the other side of the aisle's response to this problem, you see what they have done is they have elevated the judiciary to the primary role in these decisions. That is, in my judgment, a complete misunderstanding of the proper role of the courts.

Look, since Marbury v. Madison, the eminent case basically saying that the Supreme Court gets the last say on constitutional issues, there has been a misunderstanding by some that that means that the Supreme Court, the judicial branch, is somehow superior to the other two branches of government.

That is not the case in the area of war-making capacity or carrying out a war. If you look at the Constitution, you will see very, very clearly that the Constitution specifies specific powers in article I to Congress and in the executive branch in article II, and the United States Supreme Court has already told us that there are some matters, believe it or not they have said, better suited for disposition by the elected branches of government.

The War Powers Act, or, excuse me, the war power, the right to declare war, given to the Congress; powers of the purse, given to the Congress. The President possesses authority relating to his constitutional status as Commander-in-Chief as well as all executive authority.

So these are very, very distinct. What we have seen on the other side of the aisle is an elevation to the altar of judicial determination in these cases. This is not just the only thing. The leaders on the other side want to take now and give habeas corpus rights to those people we have at Guantanamo, those people we have taken off the battlefield.

Mr. AKIN. One of the problems of being as competent and technical as you are is there are some of us, people like me from Missouri, as an engineer, like to try to put things in plain simple terms.

The first thing I would like to ask, because you are the expert, but I have a little bit of a sense of what's going on here, and first of all the problem is that we are trying to collect intelligence on terrorists that are trying to kill our citizens. Is that what we are dealing with?

Mr. DANIEL E. LUNGREN of California. That's a very basic thing we are dealing with, foreign intelligence.

Mr. AKIN. I want to keep it simple. So we are dealing with collecting intelligence on these terrorists.

Mr. DANIEL E. LUNGREN of California. Right.

Mr. AKIN. We have a format that was put into law years ago, as I understand it, that when a signal is transmitted into the air that we can tap into that and listen for terrorist talk; is that correct?

Mr. DANIEL E. LUNGREN of California. Yes, absolutely.

Mr. AKIN. But now in the last number of years, the way that transmissions are made is different. We are going now through these fiber-optic cables and through these tremendous switching networks; is that correct?

Mr. DANIEL E. LUNGREN of California. Correct.

Mr. AKIN. Now, does the current law allow us to do the same thing on those as we do on a transmitted signal?

Mr. DANIEL E. LUNGREN of California. The law, prior to our change in August, did not permit us to, at least as determined by the FISA Court last year.

Mr. AKIN. Now we are getting to the problem. The problem is that the government is getting in the way and the Democrats are getting in the way of us collecting intelligence to protect our constituents.

Now, the lady from Tennessee, you talked about some common sense, and the common sense of the matter is some of us remember September 11, and these people are not nice people; right?

Mrs. BLACKBURN. The gentleman from Missouri is exactly right.

These are people who do not seek to do us well. They seek to do us harm. That, we have to keep in mind.

As the gentleman from Missouri mentioned, we have had tremendous technological changes with how our signals are transmitted when you are dealing with telephones, with cell phones, with satellite phones, with voice, video and data, with those communications.

Things have changed, and we are not focused on the end use; we are more focused on the technology and the changes that we sought in August would allow, and that we gained in August allowed our intelligence community to be able to exercise a little bit more leeway in obtaining these communications from those who would seek to do us harm.

Mr. DANIEL E. LUNGREN of California. If I could just respond to that, let's remember, we are not talking about domestic terrorists. We are not talking about domestic criminals. We are not talking about American citizens. We are talking about non-Americans not in the United States. That's what we are talking about, and the American people need to understand that.

Mrs. BLACKBURN. I want to bring the attention back to the poster that is on the floor there. Just as he would say, this is the Foreign Intelligence Surveillance Act.

As I said earlier, it is not USISA. It is not the United States Intelligence Surveillance Act. This is the Foreign Intelligence Surveillance Act.

That is so important that we keep this in mind. As the gentleman said, these are people who are not U.S. citizens who are seeking to do us harm.

Mr. DANIEL E. LUNGREN of California. Let me also explain one bill. If

you look at the bill that the Democratic majority brought to the floor, they say, we take care of this problem. They say, if it's foreign to foreign, you don't need a warrant.

Here is the problem that Admiral McConnell explained to us. When you put a tap, or you somehow capture the communications, you only know the front end of the communications; that is, Osama bin Laden is calling somewhere and communicating in some way. You don't know where in the world he is going to end up on the other side of the communication. If, in fact, you have to say ahead of time, we can guarantee that none of those conversations will ever reach into the United States or to an American anywhere, you couldn't get a prior warrant, because you can't guarantee that.

What you need to do is to do it the way Admiral McConnell suggested and the way we put it in the law before. If it's a target that is a foreigner in a foreign country, for foreign intelligence purposes, as defined under the law, if that's the case, you don't need a warrant.

If, as you collect the communications in some way, you find that inadvertently a communication went into the United States or is with an American citizen, you do what we call, under the law, minimization, which means, if it has nothing to do with that individual on the other end that implicates that individual in any way, you don't use it. But you do use it against Osama bin Laden.

What they put in the bill was, very specifically, if we inadvertently capture a communication that involves an American on the other side, guess what we have to do? We cannot use it. We cannot disclose it. We cannot use it for any purpose, and we cannot keep it for more than 7 hours unless we go to a court and get another court order for a warrant.

Mr. AKIN. But if the gentleman would yield, what I understand the Democrat solution is saying, that you can't do that. That as soon as Osama bin Laden lights up his computer, we don't know where he is calling to, and, therefore, we have got to get some judge to give us permission to tap into.

Mr. DANIEL E. LUNGREN of California. Let's understand what we are talking about. I presume Osama bin Laden is sharp enough to realize that maybe he ought to have more than one phone line. You know what we have with bad guys in the United States, they use cell phone after cell phone after cell phone. They use it for maybe a day. They throw it away. They use another one.

Don't you think the bad guys trying to kill us are as smart as that? We have to be able to be sharp enough to find this stuff and turn on this information in a timely fashion to save us. We have to have the agility to do that. What has happened with the law we passed in August, according to the NSA, and I was out there yesterday, and according to Admiral McConnell, we are now able to do those things.

We now have the agility to do those things. If we were to adopt the bill that was on the floor last week, we couldn't do it. The American people have to understand, no matter what they say about it, the expert on it tells it, we would not be able to do it.

Mr. AKIN. So my understanding, with the bottom line, with the bill that has been proposed, we would lose about 60 percent or more of our intelligence leads that we are collecting through electronic surveillance needs; is that correct?

Mr. DANIEL E. LUNGREN of California. That is the absolute testimony of the experts who actually do it.

Mr. AKIN. Sixty percent of our intelligence-gathering capability is going to be hobbled?

Mr. DANIEL E. LUNGREN of California. Against terrorist targets internationally, absolutely. In the process, we will grant more protection under the law to Osama bin Laden than we do to an American citizen accused of a crime in the United States. That is the utter insult in the whole process.

Mr. AKIN. Yet in the State of Missouri we don't call that common sense.

Mr. DANIEL E. LUNGREN of California. I don't think anybody could call that common sense. Only on the floor of the House of Representatives would one dare to call that common sense. I am not one person who dares, nor are my two colleagues here.

Mrs. WILSON of New Mexico. I want to make sure I understand something here, because I think you said something that's important. If the United States Government inadvertently collects a phone call that involves an American, if Osama bin Laden himself calls into the United States on a new phone line, and we had no idea, we didn't expect him to call in to America, and he has got a new phone number, he has got one of those disposable phones, he calls in and we get lucky and we pick it up, and that phone call says to one of his cells in the United States, ''Tomorrow is the day. Blow up the Sears Tower in Chicago,'' is it my understanding that under this bill they have put forward the intelligence agents couldn't even tell law enforcement about that? They would be prohibited from that?

Mr. DANIEL E. LUNGREN of California. Unless that cell had already been identified by us, we knew who they were, we had already gotten legal permission to do that, we wouldn't be able to do that.

Mrs. WILSON of New Mexico. So we get the intelligence tip of a lifetime to be able to prevent the next terrorist attack, and this bill, the RESTORE Act, would prevent us from protecting American citizens?

Mr. DANIEL E. LUNGREN of California. Absolutely. Let me tell you what happens in a criminal case. Let's say we have a legitimate wiretap on a member of the Mafia, and that person makes calls. We don't know who he is going to call. He calls his mother. He calls his barber. He calls the guy who delivers pizza.

Because he talks to that other person who was not the target, the legal target, doesn't mean that we cannot use that information against the legal target. We can't use it against that person if that person is someone we then find is a person of interest, and we would become a target. Then we have to go get a warrant against that person. That's all that we are saying we ought to do with the law and, in fact, that is what you would do with the law that you passed.

As a result, we have really put handcuffs in our ability to deal with terrorism far much more than people would argue that we would do in terms of law enforcement.

Mrs. WILSON of New Mexico. I thank the gentleman for clarifying that, because I think it's an important provision, and I think it is being added into what is being called the RESTORE Act very late in the game before it was pulled from the House floor last week. It is a provision that is deadly dangerous to the security of this country.

The Foreign Intelligence Surveillance Act was set up to protect the civil liberties of Americans, and it has done that effectively. But because of changes in technology over the last decade in particular, there are more and more conversations that are foreign conversations, international conversations that happen to transit the United States. Under the old law, before we fixed this in early August, you needed a warrant to touch a wire inside the United States even if the person you are targeting is overseas.

Earlier this year, because of some court decisions, this became completely unmanageable, and the Foreign Intelligence Surveillance Court became almost completely nonfunctional, with backlogs, with requests for warrants, people who couldn't develop probable cause, because, you think about this, you have got some guy on the Horn of Africa that you suspect of being affiliated with al Qaeda. It's not as if the FBI can go and talk to their neighbors and develop probable cause for a warrant in order to touch a wire in the United States, and yet our intelligence capability is much enhanced if we can touch that wire in the United States.

□ 1915

So you have an odd situation where we're having intelligence agents take tremendous risks to try to collect intelligence overseas, while we're tying our own hands here in the United States. The law that we passed in early August addresses this problem.

The act that was pulled from the floor, so-called RESTORE Act, last week would only have restored the ability of terrorists to plot to kill Americans. It would be suicide for the

United States to intentionally, intentionally cut off our ability to try to listen to the communications of the terrorists who are trying to kill Americans or anybody else.

I would be happy to yield to my colleague from New York.

Mr. DANIEL E. LUNGREN of California. Let me just reclaim my time for a moment. And remembering last week when we had this bill on the floor and we went before the Rules Committee to ask for an opportunity for amendment and debate on our important issues and we were denied that by a gag rule, I would like to yield to the gentleman for purposes of a short debate, because I think this is what we should engage in and why I was so disappointed last week on the rule.

Mr. NADLER. I appreciate the gentleman yielding to me. And I wasn't planning to debate this; I just happened to be walking through the Chamber and I heard what you were saying. People are entitled to their opinions, but they're not entitled to misquote what the bill does, which is what I've been hearing.

First of all, it is quite correct, as the gentlelady from New Mexico said, that the FISA law needed to be updated.

Mr. DANIEL E. LUNGREN of California. Well, if I could take back my time, if the gentleman would specifically say where we misstated, I would love to respond to that. But the gentleman can get his own time to talk about other things.

Mr. NADLER. I will say two things. Number one, the RESTORE Act, the bill that was pulled from the floor, number one takes care of that technological problem, just as the bill that was passed in August does, by updating and making clear that foreign-to-foreign communications that come through a server in the United States do not need a warrant. So that's not an issue because this bill does it.

Second of all, let me just make the two points. And second of all, I think I heard you say, both of you, somebody here, that if you were tapping some terrorist abroad and he called into the United States and you heard him talk about terrorism with somebody in the United States, that you could not tap that, you could not use that information. That's simply not true.

Mr. DANIEL E. LUNGREN of California. I will reclaim my time. The fact of the matter is that is true. I hope to get the language here in a moment. In the manager's amendment, in the second major paragraph of the amendment, it specifically refers to inadvertent capture of a conversation involving an American on one end. And in those cases it specifically said, if that is the case, you may not use it for any purpose, you may not disclose it, and you may not keep it for more than 7 days, unless you get a specific warrant with respect to that, or the Attorney General makes a specific finding that the information itself relates to the death of an American.

Now, the fact of the matter is that was picked up from language that's currently in FISA that has nothing to do with this, that has to do with inadvertent communications gained in another context. So I don't know whether it was inadvertent, it was bad draftsmanship, or it was intentional. But the fact of the matter is, on its face, that is exactly what it does, and that's why I can stand here and say, without fear of contradiction, that it gives greater protection to Osama bin Laden in that instance than we give to an American charged with a crime in the United States.

Again, I don't know what the purpose was in drafting it that way. That's one of the problems when you bring a bill to the floor and you have a closed rule that doesn't even allow us to question the language, to attempt to deal with it. And the gentleman can say it doesn't say that. I would suggest the gentleman go back and look at the specific language, because I was astounded when I first read it. I first looked at it and said, this can't possibly be the way. I presented it to the Rules Committee. Not a single person on the Rules Committee or a member of your side of the aisle on the Judiciary Committee or the Intelligence Committee contradicted what I had to say. No one pointed to where that was wrong. That happens to be in the bill. Now, if you want to change it, we ought to change it. But the fact of the matter is that's where it is.

Mrs. WILSON of New Mexico. If the gentleman would yield, the issue of foreign-to-foreign communications is in the bill. But here's the problem. We can put in law that you don't need a warrant to listen to foreign-to-foreign communications, but you're never targeting a communication between two points. You're always looking at one target. And if I am targeting you in Afghanistan, I don't know who you're going to pick up the phone and call next. If it is a felony to listen to a conversation between a foreigner and a U.S. person without a warrant, as soon as that foreigner picks up the phone and dials an American number, you've created a situation where an intelligence agent is a felon. As a result, if you have that provision in the bill, they must get warrants on every foreigner. And that is the situation we were in earlier this year that completely crippled our intelligence collection.

Mr. DANIEL E. LUNGREN of California. Let me just reclaim my time to specifically quote Admiral McConnell on this point. He said in testimony before the Judiciary Committee: ''When you are conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from.'' He then said specifically: ''I'm talking about foreign-to-foreign and whether that takes care of the problem.''

These are his words. If you have to pre-determine that it's foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you're going to target, you have to program some equipment to say, I'm going to look at number 1, 2, 3, so targeting, in this sense, if you are targeting a phone number that is foreign. So that's the target. The point is that you have no control over who that target might call or who might call that target.

Mr. NADLER. Will the gentleman yield at this point?

Mr. DANIEL E. LUNGREN of California. I'll be happy to yield in one second. I found that I did have the specific language to which I referred a moment ago. This is the proposed language in the bill: ''If electronic surveillance concerning foreign-to-foreign communications inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General.'' If that's all it said, that would be fine. But then it says: ''That require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated or used for any purpose or retained for longer than 7 days, unless a court order is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily injury.''

Reading that, as it is written, if Osama bin Laden, in a conversation, communication or whatever to someone who happens to be a U.S. person or is in the United States that is not then a target, under the regime that we have, doesn't implicate that individual whatsoever, but in the course of the conversation, reveals where he is, where he's going to be, we cannot act on that information under this specific language unless the Attorney General determines the information indicates a threat of death or serious bodily injury. Telling where he is doesn't indicate a threat of death to anybody or serious bodily injury to anybody.

That's the language that your side has presented on the floor as a fait accompli. We could not amend it. We couldn't even discuss amending it on the floor because we had a gag rule.

And the gentleman is a distinguished attorney. He knows how to use words very, very well. You can't change the words that are on the printed page.

Let me yield to my friend from Missouri before I yield to the gentleman from New York.

Mr. AKIN. Now, there was one procedure that the Republicans were allowed to do, and that's called the recommit; is that correct? We couldn't make any amendments. We couldn't discuss it.

Mr. DANIEL E. LUNGREN of California. Motion to recommit, yes.

Mr. AKIN. And so on the motion to recommit, we did the best thing we

could to try to fix this problem, which was going to basically muzzle 60 percent of our intelligence-gathering capability. And that, I guess, you could look at it as an amendment on the motion to recommit. It was merely a sentence or two. And that sentence said something to the effect that nothing in this bill will prevent us from trying to capture bin Laden or prevent us from gathering information on al Qaeda, and they're attacking this country, something to that effect.

Mr. DANIEL E. LUNGREN of California. Al Qaeda, Osama bin Laden or other terrorist groups and prevent attacks on the United States or Americans. That was the language. And I might say to the gentleman, it was never offered, we never got to that point. But rather than have a gag rule or follow the leadership we got from the Democratic side, of a gag rule, we also showed it to the other side way ahead of time. And the reaction was what? To pull the bill, or at least to stop in mid-debate on the bill, and we will bring it back.

Mr. AKIN. It was in such a hurry that we didn't have time for any amendments.

Mr. DANIEL E. LUNGREN of California. Well, let me yield to the gentleman from New York. Perhaps the gentleman from New York can tell us when the bill is coming back to the floor.

Mr. NADLER. I can't because I don't know that. I don't know that. Presumably sometime in the next 2 weeks. But would you yield now?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield to the gentleman.

Mr. NADLER. Thank you. Two points. One, what was just said about that motion to recommit, the contents of the motion to recommit, that nothing shall be construed as barring, tapping or wiretapping, whatever the language was, bin Laden, Osama bin Laden, al Qaeda, et cetera, was completely unobjectionable. Indeed, it was totally superfluous. Had that motion said the motion is to recommit the bill to committee to amend it to include these words, and to report the bill back forthwith so we could have continued the debate, we would have accepted that amendment. We would have said fine. It doesn't change anything. Fine.

But, as you know, the amendment said report back promptly, which would have entailed at least a 2-week delay. That's why the bill was pulled, not because of the subject matter, but because of the word ''promptly.''

Mr. DANIEL E. LUNGREN of California. If I might take my time on that point. Promptly means it goes back to committee. It doesn't say it can't come back for 2 weeks. It goes back to committee.

Now, we have some rules here that require a few days. We also have something called waiver of rules that has happened virtually on every rule that we've had here, presenting a bill to the floor. And let me ask the gentleman, if, in fact, your concern was it would be a delay of a week or two, what are we doing now?

I would yield to the gentleman.

Mr. NADLER. I will answer to the best of my knowledge. I don't know what we're doing now. I'm not part of the leadership. And as I said, I just happened to be walking here. I don't know why the bill isn't back here now. But I know it will be in the next week or so.

Mr. DANIEL E. LUNGREN of California. So it's the gentleman's statement that you're willing to accept the motion to recommit, and your side is the leadership.

Mr. NADLER. Yes. The language was unobjectionable.

Mr. DANIEL E. LUNGREN of California. Well, that's good to hear. Then we will expect to see that language in the bill when it returns.

Mr. NADLER. Had it said forthwith, it would have been, and I shouldn't speak for the leadership but that's what they were saying at the time, we would have accepted it. But because it said promptly, which the Parliamentarians have told us would entail a considerable delay.

Mr. DANIEL E. LUNGREN of California. I'm sure glad we're not delaying now. But go ahead.

Mr. NADLER. Well, we found out, by the way we thought the Senate was going to pass the bill the next day. It turns out they haven't got their act together, so we have a little more time.

Mr. DANIEL E. LUNGREN of California. The Senate was going to pass a bill. Not that bill.

Mr. NADLER. Yes, it was going to pass a different bill. We wanted to pass a bill before they did, so that's why we were in a hurry.

But getting back to the point we said a few minutes ago, I don't have the benefit of the language. I know you have it there from the manager's amendment which I haven't seen, or the context. But I do know the following: The whole point, Admiral McConnell is quite correct when he says, obviously, if you're tapping whoever in a foreign country, you don't know who he's going to call. You're tapping that one point. You're tapping Mohammed in Karachi because you know that he, you suspect he's a terrorist that's involved. If he calls someone else abroad no one thinks you need a warrant or anything else. Under the bill, if he calls someone in the United States, either you hear it, you can't help hearing it. Either that conversation is innocent or it's involved with something that makes you suspicious of terrorism. If it's innocent, you have to engage in minimization procedures so you don't unduly and inadvertently violate the privacy of some American for an innocent conversation. If it's not innocent, then you, with that information, you can continue listening and if necessary you can get a warrant. And that's the general design of the amendment.

Mr. DANIEL E. LUNGREN of California. I'll take back my time. That's precisely the problem. You have to get a warrant before you can take action. And if, in that conversation, something that Osama bin Laden said does not implicate the American whatsoever, does not indicate a threat of death or serious bodily injury to anybody else, but reveals where he is, you are prohibited from dealing with that.

The gentleman from New York, I appreciate it. But you know, the great political philosopher, Don Meredith, once said: ''If if and buts were candy and nuts, everyday would be Christmas.'' Now you may wish it. You may hope it. You may think it. These are the words that your side presented to us as a fait accompli. That's what it says. You can't get around it. And the gentleman, as a distinguished attorney, knows that when you go into court you've got to look at the words. We're not going to put people at risk in the CIA, in the FBI and the NSA, in all of those other agencies in the Department of Justice based on the fact that we ought to read these, as I think the gentleman said once before in debate, in a commonsense way.

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There is no commonsense exception to this provision in the law.

I would be happy to yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. One of the things my colleague from New York said was, well, there are these minimization procedures, and that's true. There are minimization procedures under current law, which means that if you gather information that involves innocent people, you mask their identity, you don't disseminate things that don't matter, and you protect people's privacy. If it only went that far, that would be fine. The problem is the rest of the paragraph that my colleague from California mentioned, which actually prohibits dissemination of information that could be critical to this country.

It is astounding to me that we might actually intercept a conversation involving Osama bin Laden himself that reveals where he is going to be tomorrow and we would prohibit our intelligence agencies from telling the military where he is so they could target him.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, not only could we not disseminate, but this is the language: ''or used for any purpose.'' That's pretty broad, I would say.

Mrs. WILSON of New Mexico. Absolute prohibition.

And I think we need to get back to some basics here, which is, number one, the current law requires that you need a warrant to wiretap a U.S. person for the purposes of collection of foreign intelligence. That's what the whole Foreign Intelligence Surveillance Act was about. But it also makes clear under the law that we passed in the

first week of August that you do not need a warrant to listen to foreigners reasonably believed to be in a foreign country.

America spies. We try to discover the secrets of people who are not our friends, some of whom are trying to kill large numbers of Americans. We do everything we can to find out what their plans and capabilities and intentions are so we can prevent another terrorist attack. That is what our intelligence community does. And to somehow tie this up in red tape with a bunch of lawyers and judges makes no sense to me at all when we are trying to find out the secrets they are desperately trying to protect from us.

I have to say, there is a question, how many lawyers should it take to be allowed to listen to Osama bin Laden? The answer should be zero. That's what the answer should be. We shouldn't involve lawyers and judges in trying to intercept his communications, even if he is talking to an American.

Mr. AKIN. Will the gentleman yield?

Mr. DANIEL E. LUNGREN. I would be happy to yield after I make this one statement in reference to what the gentlewoman just said.

Judge Richard Posner of the Seventh Circuit Court of Appeals put it this way: ''The aim of national security intelligence is to thwart attacks by enemy nations or terrorist groups rather than to punish the perpetrators after an attack has occurred. The threat of punishment is not a reliable deterrent to such attacks, especially when the attackers are fanatics who place a low value on their own lives and when the potential destructiveness of attacks is so great that even a single failure of deterrence can have catastrophic consequences. That is why,'' the judge says, ''when the government is fighting terrorism rather than ordinary crime, the emphasis shifts from punishment to prevention.''

The judge has put it fairly well in almost understandable terms, as the gentleman from Missouri would say.

And I yield to the gentleman from Missouri, who would not like to be described as an attorney.

Mr. AKIN. Well, I appreciate the good work that attorneys do, Mr. Speaker, and I particularly like different attorney jokes. And this one particular joke is the only one I have heard that isn't funny, and that is, how many attorneys does it take to collect intelligence on our enemies? And the answer, exactly as the lady said, should be zero. There should be no doubt about this.

Now, you have talked about somewhat subtle or finer points of law, but the bottom line is there is an agency that is charged with following the law and protecting our citizens. Now, the opinion of that agency on this point is what is critical, isn't it? Because if they believe they can't do the collection, then there is going to be 60 percent or more of intelligence gathering that is going to be hobbled. They are not going to have that capability. And their belief is that what you are saying is true because you quoted them; is that right?

Mr. DANIEL E. LUNGREN of California. That is true. And I would say it is similar to going to the doctor and the doctor's telling you that you need an operation to repair a faulty valve in your heart, and before you make the decision, you have to go to a judge to get permission to follow the doctor's order. I don't think that's what I would want to do.

Mrs. WILSON of New Mexico. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield.

Mrs. WILSON of New Mexico. I know we are coming to the end of this hour, but I think there is something important for Americans to understand.

We all remember where we were the morning of 9/11. We remember what we were wearing, what we had for breakfast, whom we were with, and that is seared into our memories.

Very few Americans remember where they were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up simultaneously over the Atlantic. We don't remember it because it didn't happen. And it didn't happen because American, British, and Pakistani intelligence were working together to disrupt the plot and prevent the terrorist attack.

That is what matters here. We want to stop those memories from being created before the event happens.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would just like to say, because we keep hearing that we are not concerned about civil liberties and so forth and that courts ought to look at this rather than making decisions by the President of United States, many people fondly remember Justice ''Whizzer'' White on the United States Supreme Court, an appointee of President John F. Kennedy. And in the seminal case in the Supreme Court dealing with the question of privacy and wiretapping called Katz versus U.S., he said this: ''We should not require the warrant procedure and a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable.'' Because the fourth amendment talks about protection against unreasonable searches and seizures and we never hear on this floor that qualification. It is reasonable.

So how do we protect American citizens in this? The process of minimization that we talked about that is followed by everybody in the NSA. And I would just show this to the gentleman. This chart shows the procedures already put into place at the NSA, National Security Agency, to implement the Protect America Act and ensure that Americans' civil liberties are protected by minimization.

Look at this: Internal oversight, they have training built on the foundation of compliance training. They have an annual requirement to read the legal compliance and minimization documents. They have advanced training and a competency test. Everybody out there has to take the test and pass or they can't be involved in the program. They have new training in the authority and the competency test. They understand the legislative changes, the documentation and the termination. They have spot checks and audits to assess compliance. They have somebody else come out within their organization and check up on individuals. And then they have an assessment of management controls.

In other words, they have multiple reviews on a regular basis of what's going on there. And in addition, what they have done is they are subjected to oversight by the Office of the Director of National Intelligence and the Department of Justice every 14 days, every 30 days, and every 60 days. And then on top of that, they have the Congress that can look at things.

That, the American people should understand, is the seriousness with which the agency is undertaking their responsibility to protect Americans from terrorists overseas and to make sure there is no inadvertent violation of the civil liberties of Americans.

Mr. AKIN. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. Yes, I would be happy to yield.

Mr. AKIN. I believe that what you have described is pretty much what we worked out last summer. Just going back to last summer when this problem reared its ugly head, we were approaching September 11. The Democrats had been unwilling to deal with it. We had been going back and forth and back and forth. And as I recall, we basically told the other party we are not leaving for summer break until you get this thing fixed because our Nation is exposed. We are not collecting the information that we need and we have to deal with that. So at the last minute, we passed a 6-month, if you will, patch that takes us to February; is that correct?

Mr. DANIEL E. LUNGREN of California. That is correct.

Mr. AKIN. So until February we are able to do this collection at this point, but we have to deal with this problem.

Now, the gentlewoman from New Mexico made reference to September 11, and I think each of us have our own memories. But mine was being at the site in New York City and seeing that wall along the side of a city block, four-by-eight sheets of plywood. Covering over the wall was a piece of that kind of slick, greasy plastic that's waterproof, and it had little dots of mist because it was a misty day. And underneath it were pictures. Some black and white, some in color, a picture of a guy with his dog, a husband and wife. And as I looked at those pictures, it reminded me of the many times in the

morning where eyes had met gently saying good-bye for the day, a gentle brush of the hair that would be no more, that ended in violent, fiery tragedy and death. And for us to hobble our Intelligence Committee and knock out 60 percent of their intelligence gathering is un-American, it is something that we will not tolerate in this Chamber, and until we get it right, I will never be quiet on this subject. And I know the gentleman feels as strongly as I do.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman's sentiments. And I would just say I don't think there is anybody in this Chamber that depreciates the experiences of 9/11 nor the threat that currently faces this country. That does not excuse anybody in this Chamber or us collectively for making either ill-informed decisions or just wrongheaded decisions. And when we have the expert experience and judgment of people like Admiral McConnell, who told us of the threat that we are currently facing and his inability to do the job that he has sworn an oath to do, and when we responded in a way which he said works, it is totally beyond belief that we would want to change that now.

And the other thing is, is there anybody in this Chamber that believes the threat is only until February or is only for 2 years, as was in the bill that was presented to us? This is a long-term threat which necessitates a long-term commitment on the part of the American people, on the part of the Congress, on the part of the entire Federal Government. And we have an obligation to make sure that that takes place. Otherwise, the American people have every right to say to us you have not done the job.

So I would hope that when we have this bill on the floor we have an opportunity to make it permanent so that we can tell our adversaries we will throw everything at you, not to convict you after a perpetration of an attack on us but to prevent it in the first place. The American people don't want prosecution. They want prevention first and foremost.

Mr. AKIN. If I could just interrupt for a minute, I don't think any of us want to impugn anybody's motives. Our objective here is and the reason we were sent here by our constituents is to solve problems, which you have outlined is a reasonable balance between the privacy rights of Americans and the necessity of the government to do what it is number one tasked to do, which is to protect our citizens. But when we get that balance wrong and the director of the people that have to collect that intelligence say that we have got to have judges, you are going to knock out more than half of our intelligence-gathering capability, then it says we need to get back to the drawing board and get this thing done the right way.

I certainly appreciate your attention to the details to looking at the language. And I certainly hope that our Democrat colleagues will allow enough debate and discussion to solve the problem.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for his words.

And let me just finish on these words. Justice Robert Jackson of the U.S. Supreme Court once said, ''The Constitution is not a suicide pact.''

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DROUGHT CONDITIONS IN THE SOUTHEAST

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 18, 2007, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to begin this hour to put a great spotlight on what is occurring in the southeastern region of the United States.

You know, when you look at the statistics and you look at the effects, there is only one word that can describe the drought that has gripped the southeastern United States, and that is ''tragic.''

If you look at this map to my right, you see that the Southeast is this large red area. And you also have some of the same effects in some parts of the west coast, and we've seen the effects of what's happening there with the terrible fires that are now taking place out in California.

Mr. Speaker, this is a disaster, not like a tornado or a hurricane or even any major catastrophic event. When you have a big storm or you have an earthquake, it's over, you come in and put things back together, you're able to start sorting people's lives out. But a drought of the magnitude of the one that is now gripping the Southeast is sort of a continual process. It started well over a year ago. We had a dry winter, we had a dry fall, last year a dry winter, this past year, and now this year. And I will talk about it more as the evening goes on.

We have places in my home State and in other places of the Southeast where we are 20 inches of rain below normal. And I will talk about that and will have more to say about it as the evening goes on. But this impact adds up over time. It impacts every person in the Southeast. It impacts animals, it impacts vegetation, and it certainly has an impact on the land.

This drought, frankly, is the worst one that people who are now living can remember. And in some places in my State, people who are approaching 100 years of age say they have never seen anything this bad. We know that this entire region has had, in some places, 10 inches less rain, others plus-20. And I was on the phone just today with one of our small towns working with the Governor's office. They will be out of water in 60 days. We are struggling to get water lines to them just to help them out.

But tonight I'm going to talk about a broader issue of it is impacting the people who live on the land, who provide our food and fiber in this country. This area has been the hardest hit. And it's a broad area, as you can see here. It's in the State of Arkansas, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and even parts of Maryland.

In North Carolina, Governor Easley has issued a state-wide ban on burning, and he has asked citizens to halt all nonessential water use. Just this week he took another step, and he asked our citizens to reduce their water use by 50 percent by Halloween. And this drought has affected our farmers to an extent so great that it is now affecting rural communities across North Carolina. And I'm sure, as my colleagues come this evening, they will share with you what's happening in their State across the Southeast.

I don't know if my colleagues can see here, but certainly North Carolina is predominantly red because now, and I will talk about it in a few minutes, almost every county, almost all 100 counties are in what's called the ''extreme drought,'' and I will talk about that; but my congressional district falls 100 percent in the extreme drought area.

And it does have an effect on rural communities, but it also affects suburban and urban communities. Plants are having their production levels cut to save water. Several communities have only a few months of water supply remaining. And I just talked about one that has no more than 60 days. It has now cut production in one of the plants that employs roughly 2,000 people; it has cut their production back to 3 and 4 days. They're hauling water in water tankers just to keep operating. I know that this is the case in several of these other States as well, and I look forward to hearing from my colleagues.

What we really need is a good rain. Members of Congress think they can do a lot of things, but they can't do a whole lot about rain. We can talk about it, we can pray for it, we can wish we were able to get it; but the truth is we can't do anything about it. And when we can't do that, what we can do is help in ways we can help.

In my district, the Second District of North Carolina, as I've said, the entire district is virtually in the exceptional drought area. That is the most serious category of drought you can have. Farmers have had to struggle all year in this very difficult situation.

The crisis that this drought is is underlined by the two critical variables that seem to be working against us. First is the self-sustaining cycle that a drought of this magnitude can trigger. For this region to recover any time soon, we will need at least an additional foot of precipitation. We're not likely to get that. This late in the