

situation to develop where we would leave for the month of August not having solved this important problem.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, the solution to this problem is at the desk. The senior Senator from Missouri, the vice chair of the Intelligence Committee, and I placed a bill on the calendar earlier this week that Admiral McConnell has certified would give him and our intelligence community the ability to protect the homeland.

As Senator BOND and I pointed out earlier this week, this measure which is at the desk, which could be taken up and passed by the Senate at any time, would give the intelligence community what it needs before we go off for a month, leaving America without this additional protection. This would be a solution to the problem.

The Director of National Intelligence has pleaded with us in person about this issue which involves—as we all now know full well, whether we are on the Intelligence Committee or not—a glitch in the Foreign Intelligence Surveillance Act of 1978, commonly referred to around here as FISA, that is causing our intelligence community to miss significant, actionable intelligence.

Now, the principle behind the FISA law is the same today as it was 30 years ago. It is the principle that foreign terrorists are a legitimate—I repeat, legitimate—target for electronic surveillance. But because of changes in the way terrorists communicate, U.S. intelligence personnel are no longer able to act on this commonsense principle with the speed and the flexibility the law was originally meant to give them.

In a significant number of cases, our intelligence professionals are now in the position of having to obtain court orders to collect foreign intelligence concerning foreign targets overseas in another country. This is absolutely absurd and completely unacceptable. We have never believed the targeting of a foreign terrorist overseas should require a FISA warrant. Let me say that again. We are talking about terrorists overseas. Yet that is the outrageous situation we find ourselves in today. It would be even more outrageous not to correct this glaring problem immediately before we leave town. And we will. We will be here as long as it takes to get this right.

Congress created FISA in 1978 because it believed the terrorist threat was real. That belief has been tragically confirmed since the law was created. Intelligence officials remind us repeatedly that the threat remains real. An unclassified version of the recent National Intelligence Estimate tells us that al-Qaida is reconstituting itself and that its lethal intent is just as strong today as it was on the morning of September 11, 2001.

The legislation could not be more urgent. While the administration submitted FISA modernization language

months ago—this has been languishing for months—the only legislation before us is S. 1927, the McConnell-Bond bill, a bill specifically requested by the Director of National Intelligence.

We know this bill provides our intelligence community with the necessary tools to protect our homeland. We know if we pass this measure, the President will sign it into law. We know we have a duty to pass it today to protect the American people. So why wait? Why wait? This job must be done, and done now.

The recent National Intelligence Estimate on terrorism contained a finding that cooperation on the part of our allies may wane as 9/11 becomes a more distant memory and perceptions of the threat tend to recede. Has that memory faded so greatly in our own minds that we would leave for an August recess without taking the reasonable step of revising this law? I certainly hope not. It would be completely unacceptable. The intelligence community assures us that al-Qaida is not taking an August break.

The principle behind our electronic surveillance has not changed since 1978. But the terrorist threat has. As we have tried to adapt to this asymmetrical threat, the terrorists have adapted too—by using increasingly modern and increasingly lethal tools and technologies against us. They have used planes and, if they get their wish, they will use chemical and even nuclear weapons. They have killed our citizens and our soldiers by the thousands. And they have shown their intent to continue to kill on an even larger scale.

We must not let these enemies of America exploit a weakness that we can identify. We understand this weakness exists, and we need to fix it. Didn't we learn this lesson after 9/11? Some have blamed our failure to prevent those attacks on a failure of imagination. Some have said it was because we did not connect the dots. Well, we will never be able to connect the dots if we cannot collect them. Failure to pass this legislation would suggest an indifference on the part of Congress about our ability to connect those very dots.

Mr. President, I hope everybody understands the threat is real; the threat is urgent. We must not, we will not, leave for recess until we pass this urgent and necessary law.

Senator BOND and I and others will have more to say about this issue during the course of the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

#### AMERICA COMPETES ACT

Mr. BINGAMAN. Mr. President, I want to take a very few minutes to comment on the action of the Senate last night in passing and sending to the President the America COMPETES Act.

With the passage of the conference report, I hope we will begin a long-term

commitment by the Congress and by the executive branch to ensure our Nation continues to lead the world in innovation and economic competitiveness.

I will put in the record a full statement of the history that has led us to this point of hard work that has gone on by many in the Senate, in the House of Representatives, as well as in the private sector.

Yesterday, the House voted 357 to 57 to pass the conference report and in doing so affirmed that on large issues such as these we can work in a bipartisan way for the benefit of our Nation. Then, later last night, the Senate passed the conference report by unanimous consent.

This bill has been more than 2 years in the making. One primary impetus was in May of 2005, when Senator ALEXANDER and I asked the National Academies of Science to report on steps the Congress could take to keep the United States competitive in a rapidly changing global environment. That report, entitled, "Rising Above the Gathering Storm," was spearheaded by Norm Augustine, former CEO of Lockheed Martin. It was released in October of 2005 and received significant attention in the U.S. media. The report clearly tapped into an increasing concern among many Americans about the challenges we face in competing against the rising national economies of countries such as India and China.

In January of 2006, Senator DOMENICI, Senator ALEXANDER, and I, along with 67 other cosponsors, introduced the Protecting America's Competitiveness Edge Act, or PACE Act. This bill reflected the recommendations of the Augustine commission and covered a wide array of topics related to competitiveness, including increasing funding for research and education and other provisions designed to encourage a climate of entrepreneurship and innovation.

On a separate track, in December 2004, the Council on Competitiveness released their report entitled, "Innovate America." Based upon that report, Senators ENSIGN and LIEBERMAN introduced S. 2802, entitled the American Innovation Act of 2006.

That summer, Senator Frist asked the authors of both bills and other interested Members, including the chairman of HELP, Senator ENZI and Ranking Member KENNEDY, to draft a comprehensive Senate bill which was introduced in the Senate as S. 3936, the National Competitiveness and Innovation Act. S. 3936 was introduced in the final days of the 109th Congress as a FIST-REID bill.

Continuing this bipartisan effort in the 110th Congress, Senators ALEXANDER, DOMENICI, and I introduced S. 761, the America COMPETES Act, which was taken up by the Senate and passed 88 to 8 in April of this year, with Senators REID and McCONNELL as the lead sponsors.

Meanwhile, similar efforts were going on in the House with the House Science Committee. The conference report that is on its way to the President is a result of bipartisan, bicameral compromise and cooperation.

Reconciling the House and Senate bills started before Memorial Day and involved the Senate Committees on Commerce, HELP, and Energy. In the House, it involved the Committees on Science and Education and Labor. All in all, it took the efforts of over 70 staff to complete this legislation. I want to thank the members of these committees for their bipartisan effort and long-term vision on keeping our Nation competitive.

I want to thank in particular the staff of these committees, all of whom put in long, hard hours, in many cases juggling the demands of other bills that their committee had on the floor. In the Senate, once things got underway 2 years ago, the process by which we operated was completely transparent—there was never a meeting held that did not include staff from both sides of the aisle. There was a remarkable lack of acrimony, and a striking absence of partisanship. I could not be more proud of this process and the staff that undertook it, and I think the conference report we passed last night reflects that process. It should serve as a model for the way this body should operate.

Mr. President, let me quote from the "Rising Above the Gathering Storm"—

Without a renewed effort to bolster the foundations of competitiveness, we can expect to lose our privileged position. For the first time in generations, the nation's children could face poorer prospects than their parents and grandparents did. We owe the current prosperity, security, and good health to investments of the past generations, and we are obliged to renew those commitments in education, research, and innovation policies to ensure that the American people continue to benefit from the remarkable opportunities provided by the rapid development of the global economy and its not inconsiderable underpinning in science and technology.

This legislation represents that much-needed renewed commitment to bolstering our national competitiveness.

Much of the good work that was contained in the legislation was a result of the report "Rising Above the Gathering Storm," which was issued by the Academies of Science at the urging of several of us in the Senate. This report set out specific actions that needed to be taken by this country in order to keep our economy competitive in the world. Clearly, most of those recommendations have been adopted, and now they have been legislated into law as part of this America COMPETES Act.

I thank my colleagues—Senator ALEXANDER, of course, Senator DOMENICI, Senator ENSIGN, Senator LIEBERMAN, Senator KENNEDY, Senator ENZI, Senator INOUE, Senator STEVENS. A great many people in the Senate had a major part in this legislation. I thank them.

I also want to particularly thank the staff. The hard work that went into this legislation was truly extraordinary. There were numerous staff from both sides of the aisle who worked very hard to make this effort a success.

From the Commerce Committee: Beth Bacon, Jeff Bingham, Jean Toal-Eisen, Christine Kurth, Chan Lieu, Jason Mulvihill, Floyd Deschamps, and H.J. Derr; from the HELP Committee: Beth Buehlman, David Cleary, Anne Clough, David Gruenbaum, Lindsay Hunsicker, David Johns, Carmel Martin, Roberto Rodriguez, Missy Rohrbach, Ilyse Schuman, and Emma Vadehra; from my personal staff: Michael Yudin, who does the work in our office on education issues, was an essential part of the effort from the very beginning and made enormous contributions to the education sections of the report; Melanie Roberts, an AAAS policy fellow in my office, did as well, worked hard; from the Energy and Natural Resources Committee: Bob Simon, our staff director; Mia Bennett; Kathryn Clay; Sam Fowler; Amanda Kelly; Judy Pensabene, who is the committee counsel for Senator DOMENICI; and Matt Zedler; on Senator ALEXANDER's staff: Matt Sonnesyn and Jack Wells are the two with whom I am most familiar who have worked so hard; from Senator LIEBERMAN's staff: Craig Robinson, Colleen Shogan, and Rachel Sotsky.

I also want to acknowledge the great work done by our leadership staff: Jason Unger and Mark Wetjen on Senator REID's staff, and by Libby Jarvis on Senator MCCONNELL's staff. Let me express my special thanks to the Senate Legislative Counsel's Office for their tireless work in getting this legislation ready so it could be completed before the August recess: Liz King coordinated the conference efforts with the utmost patience; John Baggaley, Gary Endicott, Gary Koster, Amy Gaynor, and Kristin Romero.

Finally, let me mention John Epstein in my own office and who works on the Energy Committee staff. I am convinced that if it were not for John's tireless efforts to move this legislation forward and his unfailing commitment to a collegial, bipartisan process, the bill would not have been able to be passed in this timeframe. I am extremely grateful to him for his persistence and integrity throughout the process. Also, let me particularly thank Trudy Vincent, my legislative director, for the great work she did on this legislation from its inception to its completion.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

#### FISA MODIFICATIONS

Mr. BOND. Mr. President, I thank the Chair.

I hope I have the attention of all of my colleagues because I believe we

have an opportunity—we have an absolute necessity—to pass the Foreign Intelligence Surveillance Act modifications prior to leaving for the August recess. It is absolutely critical for our national security that we change the law which currently, by its application, is denying our intelligence community a very significant portion of the signals intelligence they could collect on al-Qaida and other terrorist sources who may well be planning another 9/11 attack on the United States.

It has been publicly disclosed that al-Qaida's discussions are more active now than they had been since 2001 and even more since 2001, but we are, because of the application of this law, partially deaf to those communications. If we are to protect our homeland, the people of America, as well as our troops in the field, we have to collect better intelligence because that is our only significant weapon to fend off the attacks of those, through their misguided ideas, who want to inspire terror and kill as many Americans as possible.

The Director of National Intelligence, Mike McConnell, whom I believe the people in this body have come to know and respect, told us in April that it was urgent that we reform the FISA law. He sent us a proposal on April 27. He appeared before our committee in open hearings on May 1 and discussed at length the challenges and the threat we face and the need for revision of the FISA law. I had hoped we would move on that at the time, but some wanted to get more Department of Justice opinions. Nothing happened. I offered my version. My version, on behalf of Republican members, drew no response.

The DNI, Director of National Intelligence, Admiral McConnell, came before a session of the entire Senate in S-407, our classified security area, a month ago, and he told us about the need to reform the law and to reform the law now. A significant number—not a majority—of this body was there, but everybody who heard him speak recognized the absolute, compelling necessity to move. Since time was running out, he offered a slimmed-down proposal.

There are a number of things which need to be done with respect to FISA that can wait, and to accommodate the concerns of some on the other side of the aisle, he agreed to hold off dealing with issues such as carrier liability and streamlining FISA. But he presented to us a measure that he said was critically important, that must be passed so we don't remain deaf during August to discussions of threats being carried on by al-Qaida and others seeking to do us harm.

As a result of the submission he made, we had another hearing for all Members of the Senate on Tuesday night, and at that Tuesday night session, several Democratic chairmen raised concerns with him about his proposal and their desire to have a different form. I was not privy to their