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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Your glory endures through the seasons and Your divine majesty sustains us.

Lead the Members of this body to a faithfulness that fulfills Your purposes. Keep them steadfast in the faith that You are at work in our world, ordering their steps and preparing them for victory. Use them to create laws that will extend Your kingdom in the hearts of the people of our Nation and world. As the seasons change, remind them that in all generations You have been our dwelling place, and though we are swept away like a dream, You are God from everlasting to everlasting. Guide the deliberations, debates, and decisions of this day. Activate each of us to love, encourage, and bless others.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, we will have an hour of morning business today. The majority will control the first half, the Republicans the second half. Senator STEVENS is going to be recognized for up to 7 minutes following any time Senator McCONNELL and I use. Following that period of morning business, the Senate will begin consideration of the Labor-HHS appropriations bill, Calendar No. 280.

Last night, with the cooperation of all Members, the Senate concluded action on the Commerce-Justice-Science appropriations bill. It is the sixth appropriations bill we have acted upon. Today, we will begin consideration of the seventh appropriations bill.

At 1 p.m. today, the Congress will honor the 14th Dalai Lama of Tibet with the awarding of the highest civilian honor—the Congressional Gold Medal. In view of this ceremony, the Senate will be in recess from 1 to 2 p.m. today.

Members should expect votes throughout the day and into the early evening as we move forward with the consideration of this bill.

### APPROPRIATIONS CONFERENCES

Mr. REID. Mr. President, I want to underscore and confirm we are working hard to try to get a bill or bills to the

President as quickly as we can. The conferences are moving along well. I instructed my folks to make sure that Republicans know what is going on with all these conference reports. I think we have to show good faith that they are going to be some real conferences, and I am confident that will take place.

With all our new rules, with the earmarking rules we have, we cannot do things as quickly as we used to. But there has been work going on between the staffs—Democratic and Republican staffs—on both sides of this building with the Appropriations subcommittees. As a result of that, I think the final conference product should move fairly quickly.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### FISA REAUTHORIZATION

Mr. McCONNELL. Mr. President, as the House prepares to take up the Foreign Intelligence Surveillance Act, I wish to remind our colleagues what we decided about this program a little over 2 months ago.

In August, a bipartisan Senate majority voted to embrace the two principles behind the original FISA law in 1978: that foreign terrorists overseas are a legitimate target—a legitimate target—for warrantless surveillance, and that Americans at home are not.

We did this because we had been informed by the Director of National Intelligence that advances in technology and an outdated provision in law had made it impossible for the intelligence community to act on the first of these principles, causing us to miss significant actionable intelligence.

The Senate responded to this information accordingly. We addressed the

- This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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change in technology and updated the law, restoring to the intelligence community a tool it had effectively used even before the 9/11 attacks to track terrorist activity abroad.

Congress made sure in 1978 that the intelligence community was free to collect intelligence on foreign targets overseas and act on it quickly. In a post-9/11 world, we were insisting they continue to have this vital capability. Now we will have the chance to insist on it again, by voting against the bill that is being considered in the House or by approving an alternative that corrects its flaws.

The bill that is being taken up in the House has two major weaknesses. First, it requires intelligence officials to obtain a warrant before listening in on foreign terrorist suspects abroad. In other words, if we want to listen in on a terrorist in Tehran who may be talking about blowing up Los Angeles, we would have to stop and get a court approval first. I guarantee you, there is not a single person in this country outside this building who thinks that makes a bit of sense.

It is common sense that our ability to act quickly on the intelligence we get is a crucial part of our ability to prevent terror attacks here at home. This dangerous provision would create a new hurdle for intelligence officials to jump before they can collect and act on a live potential threat. Allowing it to stand would have been foolish before 9/11. It would be inexcusable now, which is exactly why we acted to remove it in August and why the President has rightly said he will veto any law that retains it.

Now, the second problem: This bill would expose U.S. phone companies to giant lawsuits for cooperating with the intelligence community in pursuit of terrorists, for doing their part—their part—to defend this country from terrorist groups such as al-Qaida. We need to be making it easier for our intelligence officials to detect terrorist plots against us, not harder, and we need to be rewarding people for helping us in this fight, not penalizing them or scaring them with the threat of a lawsuit if they do.

So let's make something clear right now: Any bill that leaves this Chamber must restore to intelligence officials the same tools they have had in fighting terrorism for decades. And it should reassure U.S. businesses that they have no reason to regret cooperating with intelligence officials in the past and that they should not be the least bit afraid to do so in the future.

The Bill of Rights does not extend to terrorists overseas who want to hurt us here at home. Our laws have always reflected that. In a post-9/11 world we are being asked to affirm it. We did not hesitate in August. We should not hesitate now.

The House bill that is being considered needs some major work. In addition to the two points I have raised, House Democrats have also struck a

provision that allows the United States to conduct warrantless surveillance on foreign suspects who have information relating to the conduct of foreign affairs. In a time of heightened threats, we cannot throw away the tools we have always used to keep this country safe. I would urge my colleagues to give intelligence officials the tools they need to protect us, to give them a bill that the President will sign into law.

We cannot let our enemies exploit a weakness that we—and now they—can clearly see. We know the threat is real. The bill we pass should reflect that.

#### NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. McCONNELL. Mr. President, I am pleased the Judiciary Committee will begin hearings this morning on the nomination of Judge Michael Mukasey to be the Nation's 81st Attorney General.

Judge Mukasey has outstanding qualifications and a sterling reputation. Throughout four decades, he selflessly devoted his life to public service, culminating in his selection as Chief Judge of the United States District Court for the Southern District of New York.

As a jurist, Judge Mukasey handled complex legal problems judiciously, thoughtfully, and fairly. The complex problems that face the Justice Department merit similar serious treatment, and I am confident that were he to be confirmed, Judge Mukasey will bring his trademark qualities to bear in analyzing them.

Analyzing these problems requires a careful and deliberative process. It is a process that starts today, and it will continue after the Judiciary Committee's hearings are over. It is a process that does not lend itself to snap judgments or snap answers.

Judge Mukasey will not abandon his trademark qualities of judiciousness and thoughtfulness today, nor should we want him to.

It would be injudicious and unthoughtful for Judge Mukasey to make snap judgments about particular outcomes on highly complex and highly sensitive policies in the war on terror before he even gets into office. Judge Mukasey is not read into some of these programs, and is not, at the present time, fully familiar with others. Even if he were fully familiar with them, it would be imprudent for him to discuss their classified features in open sessions while our enemies are watching.

The Senate Judiciary Committee should be mindful of the complex problems that Judge Mukasey is being called on to solve, as well as the constraints under which he is operating. And it should treat him fairly. If he is treated fairly, I am confident the committee will report him to the floor for a prompt up-or-down vote.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### INTELLIGENCE BILL

Mr. REID. Mr. President, if I could briefly say, while the distinguished Republican leader is on the floor, I had a meeting late yesterday afternoon with the chairman of the Intelligence Committee, Senator ROCKEFELLER. He indicated to me that he and Senator BOND, the vice chair of that Intelligence Committee, are moving forward this week to have a markup on the Intelligence bill. It will be bipartisan. Senator LEAHY has announced he would move very quickly with the Judiciary Committee, which has joint jurisdiction of that.

Hopefully, we can have that bill to us within the next couple of weeks. We should get that done so it is not a last-minute deal like it was right before we broke for one of our breaks. I think it was before the August recess when we were pushed so hard on that matter. So I think things are moving along well. The Intelligence Committee is working extremely well. I am very satisfied with the work they have accomplished.

I see one of the members of the Intelligence Committee on the floor today, Senator NELSON, who has been such a great addition to the Intelligence Committee. He and other members of that Intelligence Committee devote hours of their time away from the TV cameras, away from reporters, trying to work out ways we can move forward against the evil that is focused on our Nation.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the Senator from Alaska, Mr. STEVENS, is recognized to speak for up to 7 minutes in morning business.

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

#### ALASKA ARMY NATIONAL GUARD DEPLOYMENT

Mr. STEVENS. Mr. President, today, I ask the Senate to salute the men and women of the 3rd Battalion, 297th Infantry Regiment of the Alaska Army National Guard.

This unit just returned from the Middle East for demobilization. Within days, the Alaska Army Guard members will start their return journey back to Alaska.

Today, they will be honored at a "welcome home" ceremony at Camp Shelby in Mississippi. I had hoped to be with them today, but due to the votes in the Senate and the committee assignments, I have remained here in Washington, DC.