

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.

The 3rd Battalion served with distinction in both Kuwait and Iraq over the past year. When this unit was mobilized in 2006, it represented the largest mobilization of the Alaska National Guard since World War II. These Guard members represent 81 communities in our State, including many Alaska Native villages.

Before their deployment last October, Senator MURKOWSKI and I met with this battalion in Camp Shelby. It was an exciting day as members of the units successfully completed their predeployment training. I was impressed with their high morale and dedication to our country.

Most of the members of the Alaskan Guard left behind families and jobs in Alaska to be part of this mission. Their departure caused hardship for their families and communities, especially in their small villages. But they were steadfast in their commitment to the mission and to our country.

The dedication of the 3rd Battalion reminds us that in our Nation's darkest moments—when freedom has been on the line—our citizen soldiers have answered the call to serve. Their duties and traditions are deeply rooted in our country's history. During the Civil War and World War II, it was our citizen soldier who tipped the balance and ensured our victory.

Members of the 3rd Battalion have carried forward this proud tradition. Their dedication to serve reflects the bravery and courage of those who came before them. Many of them are descendants of those who served with COL Muktuk Marston and other Eskimo Scouts in the Tundra Army during World War II. During that war in which I served, their predecessors defended our freedom in Alaska and around the world. I remember well the heroism of the National Guardsmen I served with in World War II. They, too, and these people now, have earned also the honor of being called the "Greatest Generation."

There are few of us left who lived through the dark history of World War II, but as I reflect on their service, I appreciate their bravery, commitment, and dedication. The men and women in uniform today are truly our newest "Greatest Generation." We are comrades in the deepest sense of the word, and we should salute their service.

As citizen soldiers, they are a force not only on the battlefield but also a force in their communities. They are the link between the standing military units they serve and the people they protect. They also answer the call in national disasters.

In recent months, their mission was critical to the overall success of our operations in the Middle East and Iraq, and all Alaskans, especially those in their communities, are proud of their service.

On a day when we honor the 3rd Battalion, I believe we should also take a moment to reflect on those we have lost. Tragically, two Alaska Army

Guard soldiers were killed and two were gravely injured in a training accident near Camp Shelby last year. We still mourn their deaths and send our deepest condolences to their families and friends.

We should ask God to bless them and God to bless the brave men and women, such as the Army National Guard, who volunteer to defend our great country. The thoughts and prayers of Alaskans, and I think of a grateful Nation, are with all of them.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Florida is recognized.

#### FISA

Mr. NELSON of Florida. Mr. President, following the majority leader's comments and admonitions about the coming telecommunications surveillance intercept bill, otherwise known as the FISA bill, I think what the majority leader said was absolutely essential, that the work product that comes out of the Intelligence Committee and then the Judiciary Committee be bipartisan in nature. We do not want to repeat what happened in the first week of August, in which there was so much misinformation and mistrust on both sides of the aisle. It was very difficult to cobble together a bill, which the intelligence community told us was essential because of the increased traffic, which is otherwise defined as increased communications of some indication that there might be the planning stages of an additional attack upon the United States. In that atmosphere of warnings, we were told we had to pass a bill.

It was in that crisis atmosphere that a piece of legislation was cobbled together in the midst of mistrust and misinformation on this floor. But the safeguard was put on it that what was passed and ultimately signed into law by the President was only good for 6 months. In other words, it sunsetted or ceased to exist at the end of 6 months. Therefore, in now constructing the permanent law, we need to come together.

Now, this Senator, a member of the Intelligence Committee, has been quite firm in my insistence to both of the leaders of our committee—Senator ROCKEFELLER, the chairman, and Senator BOND, the vice chairman—that they come out with an agreed-upon, bipartisan piece of legislation to protect the rights of American citizens, their

civil liberties, their privacy and, at the same time, to be able to utilize instruments of the Government of the United States to be able to go after the people who want to do us harm. I believe that the agreement has pretty well been reached between Senator ROCKEFELLER and Senator BOND. What is potentially going to hold up an agreement is the question of what kind of immunity should be given to the telecommunications companies who had, at the request of the U.S. Government, after September 11, 2001, allowed their databases to be used for the purposes of trying to determine who the bad guys were.

Everything I am saying has all been out in the press. It is well established. The House has taken a position of not wanting to have any immunity for the telephone companies on a retroactive basis. They already have immunity on a going-forward basis as a result of what we passed in August, and that is now law. It is my hope that the two leaders of the Intelligence Committee will be able to get agreement on what that immunity should be, and that will be a large part of the discussion that is supposed to take place in the markup in the Intelligence Committee tomorrow.

As the majority leader, Senator REID, said, it is very important we get this right and that we get this done soon in order that it can then go from the Intelligence Committee to the Judiciary Committee and that it can come out of the Judiciary Committee, come to the full Senate and then a conference committee can iron out the differences between the House and the Senate versions and then get a final product to the President for him to sign into law. It is important it be done now in a timely manner, instead of waiting until the last minute, when the clock is going to strike 12 on the tolling of the time of the 6 months that the law will cease to exist. This ought to be done under the cool deliberation of making it right instead of being forced into decisions at the last moment because time is running out. It is my hope, and it is certainly going to be my intent, to try to help this process along as a member of the Intelligence Committee.

#### PRESIDENTIAL PRIMARIES

Mr. NELSON of Florida. Mr. President, I actually came here to talk about a different subject, and that is the fracas that is now engulfing the National Democratic Party with regard to the selection of its Presidential nominees. Florida is right in the middle of this because an order was set up under the rules of the Democratic National Committee that allowed four States to go before any other State, and those four States, they set out an order and said it would be first a caucus in Iowa, then a caucus in Nevada, then an election, a primary election in New Hampshire, and then a primary