

Court declined to revisit the state secrets doctrine in the El-Masri case, there is ample cause for congressional action—both to protect legitimate secrets and ensure public confidence in the process for adjudicating such privilege claims.

The State Secrets Protection Act establishes a clear standard for application of the state secrets privilege and creates procedures for reviewing courts to follow in evaluating privilege claims. Specifically, the Kennedy-Specter State Secrets Protection Act:

Defines state secrets and codifies the standard for evaluating privilege claims: The bill defines “state secret” as “any information that, if disclosed publicly, would be reasonably likely to cause significant harm to the national defense or foreign relations of the United States.” It requires Federal courts to decide cases after “consideration of the interests of justice and national security.”

Requires court examination of evidence subject to privilege claims: The legislation requires courts to evaluate the privilege by reviewing pertinent evidence in camera. By statutorily empowering courts to review the evidence, the bill will substantially mitigate the risk of future allegations that the Government committed “fraud upon the court,” as asserted by the Reynolds plaintiffs 50 years after the landmark decision.

Closes hearings on the privilege—except those involving mere legal questions: Under the legislation, hearings are presumptively held in camera but only ex parte if the court so orders.

Requires attorney security clearances: Under the bill, courts must limit participation in hearings to evaluate state secrets to attorneys with appropriate clearances. Moreover, it allows for appointment of guardians ad litem with clearances to represent parties who are absent from proceedings.

Permits the Government to produce a nonprivileged substitute: Consistent with the Classified Information Procedures Act, the bill allows for the use of nonprivileged substitutes, where possible. If the court orders the Government to provide a nonprivileged substitute and the Government declines to provide it, the court resolves fact questions involving the evidence at issue against the Government.

Protects evidence: The proposed bill incorporates the security procedures established in the Classified Information Procedures Act and permits the Chief Justice to create additional rules to safeguard state secrets evidence.

I commend the bill to all of my Senate colleagues.

#### HONORING MARTIN P. PAONE

Mr. FEINGOLD. Mr. President, today I wish to honor our distinguished Secretary of the Majority, Martin Paone, who announced recently his plans to leave the Senate after almost 30 years of exemplary service. During his career

in the Senate, Marty has helped to guide this body as it has addressed some of the most pressing issues, and faced some of the most difficult challenges, in our Nation's history.

Marty began his career in the Congress, working in the House Post Office and the Senate Parking Office. From there, he quickly rose through the ranks to become an assistant in the Democratic cloakroom in 1979. After demonstrating his keen understanding of floor procedures, he became a member of the floor staff for the Democratic Policy Committee and later assistant secretary of the majority. In 1995, he was elected as secretary of the minority, and continued to serve in that role, and later as the secretary of the majority, for the Democratic caucus.

As we all know, the procedures of the Senate are complicated, and at times perplexing. Indeed, Americans watching us from home may wonder how we are able get our important legislative work done. Well, one of the principal reasons is that Republican and Democratic Senators alike have been able to rely on Marty's counsel when it comes to questions about the rules of the Senate. Marty possesses a vast and detailed knowledge of the history and procedures of the Senate that is possibly second only to that of our distinguished President Pro Tempore, Senator ROBERT C. BYRD. And he has a well-deserved reputation as a straight shooter. Whenever I have approached Marty with a question during my time as a Senator, I have always been able to count on him for a straight answer—even when my position may have run counter to that of my leadership.

Throughout his tenure in the Senate, Marty has also served as a steady hand, helping this Chamber through changes in our country's leadership and critical events in our Nation's history. Marty's career has been marked by five different Presidents, five Republican Senate leaders and four Democratic Senate leaders. Marty has also served during several key historic moments, from the end of the Cold War to the tragic events of September 11, 2001. It was after September 11 that Marty's extensive experience and understanding became especially important as he helped guide this body during an extremely difficult and uncertain time. That service to the Senate, and to the country, was invaluable, and I will always remember it.

I wish Marty, his wife Ruby, and their three children, Alexander, Stephanie, and T.J., all the best as Marty begins this new chapter in his life. He will be greatly missed, but he leaves behind a lasting impact that will help guide this body for years to come.

#### OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, as we start a new year—and the Senate starts a new session—the American people have a new law that honors and pro-

tections their right to know. I am pleased that during the waning hours of 2007, the President signed the Leahy-Cornyn Openness Promotes Effectiveness in our National Government Act, the “OPEN Government Act,” S. 2488, into law—enacting the first major reforms to the Freedom of Information Act, “FOIA” in more than a decade.

Today, our Government is more open and accountable to the American people than it was just a year ago. With the enactment of FOIA reform legislation, the Congress has demanded and won more openness and accountability regarding the activities of the executive branch. I call on the President to vigorously and faithfully execute the OPEN Government Act, and I hope that he will fully enforce this legislation.

Sadly, the early signs from the administration are troubling. Just this week, the administration signaled that it will move the much-needed funding for the Office of Government Information Services created under the OPEN Government Act from the National Archives and Records Administration to the Department of Justice. Such a move is not only contrary to the express intent of the Congress, but it is also contrary to the very purpose of this legislation—to ensure the timely and fair resolution of American's FOIA requests. Given its abysmal record on FOIA compliance during the last 7 years, I hope that the administration will reconsider this unsound decision and enforce this law as the Congress intended.

In addition, for the first time ever under the new law implementing the recommendations of the 9/11 Commission, Federal agencies will be required to fully disclose to Congress their use of data mining technology to monitor the activities of ordinary American citizens. I am pleased that this law contains the reforms that I cosponsored last year to require data mining reporting and to strengthen the Privacy and Civil Liberties Oversight Board.

Surely all of these OPEN Government reforms are cause to celebrate. But there is much more work to be done.

During the second session of the 110th Congress, I intend to work hard to build upon these OPEN Government successes, so that we have a government that is more open and accountable to all Americans. As chairman of the Judiciary Committee, I have made oversight of the FOIA reforms contained in the OPEN Government Act one of my top priorities. I will also continue to work closely with Members on both sides of the aisle and in both Chambers to address the growing and troubling use of FOIA (b)(3) exemptions to withhold information from the American people.

As the son of a Vermont printer, I understand the great value of documenting and preserving our Nation's rich history for future generations, so that our democracy remains open and

free. Next month, I will convene an important hearing of the Judiciary Committee on the Founding Fathers Project and the effort to make the historical writings of our Nation's Founders more accessible and open to the public.

I will also work to ensure Senate passage of the Presidential Records Act Amendments of 2007, S. 886 to reverse a troubling Bush administration policy to curtail the disclosure of Presidential records. And I will continue my fight to ensure the public's right to know by urging the prompt consideration and passage of meaningful press shield legislation in the Senate.

More than two centuries ago, Patrick Henry proclaimed that "[t]he liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them." I could not agree more. Open government is not a Democratic value, nor a Republican value. It is an American value and an American virtue. In this new year, at this new and historic time for our Nation, I urge all Members to join me in supporting an agenda of an open and transparent Government on behalf of all Americans.

#### VOTE EXPLANATION

Mr. THUNE. Mr. President, last night, due to airline flight delays in South Dakota and Minneapolis, I missed the rollcall vote on H.R. 4986, the amended version of the Department of Defense authorization bill. Had I been present for this vote, I would have voted "yes"—similar to my vote in December when the Senate initially passed H.R. 1585, the conference report to the Department of Defense authorization bill.

#### EXTENDING UNEMPLOYMENT BENEFITS

Mr. HARKIN. Mr. President, I rise in support of legislation introduced this week to extend unemployment benefits temporarily as a means of stimulus. Like many of my colleagues I certainly have a list of ideas for best stimulating our struggling economy. But unemployment insurance certainly needs to be a part of the picture. I would like to thank Senator KENNEDY for so quickly introducing this bill to extend current unemployment benefits by at least 20 weeks, and by an additional 13 weeks in States experiencing especially high unemployment rates.

There are two key principles this legislation addresses. First, we need to make sure that we are prudently spending money in a way that encourages an increase in actual economic activity. Second, we need to help the people who are most hurt during difficult times. We need a combination of prudent fiscal policy and human compassion.

So first, it is just plain good sense to target people who are unemployed. They are going to spend this money

immediately on food and clothing, and this money will very quickly churn in the local economy. But equally importantly, the goal of stimulating the economy should be one of improving the quality of life for Americans. The people who are in the greatest need of help, directly hurt by economic decline, are those who have lost their jobs. It only makes sense that we make their needs a priority.

I think that this period of economic difficulty also highlights the need to pass the broader unemployment reform efforts that Senator KENNEDY is spearheading. While this stimulus measure will help many people who are unemployed, we need to cover part-time workers who have lost their jobs, and make sure we are counting all recent periods of work toward unemployment eligibility and levels.

Extending unemployment benefits is regularly employed to stimulate a flagging economy, and these payments have been proven to quickly add demand to the economy. I hope that we are all in agreement that this is an essential component of any stimulus package.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING GANNESTON CONSTRUCTION CORPORATION

• Ms. SNOWE. Mr. President, I wish to recognize a small business from Maine's capital city that will be honored this coming Friday for earning the Kennebec Valley Chamber of Commerce's President's Award for its outstanding contributions to the quality of life in the greater Augusta area. Ganneston Construction Corporation, a woman-owned construction business that works in both the public and private spheres, is known for its sparkling and dependable structures.

Founded early in the 1960s as a builder of solely residential units, Ganneston Construction subsequently moved into commercial construction and has continued to expand into other markets since. Presently a full-service general contractor, construction manager, and design builder, Ganneston has taken on projects of varying sizes throughout Maine, and each job is performed in a timely manner with painstaking sensitivity to that particular building's unique requirements. The firm has restored landmarks like the Lewiston Library, made renovations to the well-known Senator Inn in Augusta, and provided the Maine Veteran's Home and Down East Community Hospital in Machias with a new facility. Ganneston has completed roughly 100 projects so far this decade, with examples of its work on display in cities and towns across Maine. Because the company's 45 employees consistently produce buildings of remarkable quality, annual sales have grown from \$6 million in 2001 to \$15 million in 2007.

While Ganneston is to be commended for its dedication to building safe and

secure structures, the community service its employees perform is what makes Ganneston so deserving of acknowledgment. Setting an inspirational example is Stacey Morrison, chief executive officer and owner of Ganneston Construction. In addition to managing the company's day-to-day operations, Mrs. Morrison makes time to serve the local area in multiple ways. She is a member of the board of Women Unlimited, a praiseworthy Maine organization that supplies women, minority, and displaced workers with the tools, training, and consistent support needed to be successful in the technical, trade, and transportation industries. Similarly, Mrs. Morrison volunteers for the Kennebec Valley United Way and was recently elected chairwoman of the chapter for 2008. Ganneston's employees have emulated Mrs. Morrison's compassion and leadership and have donated countless hours and dollars to service organizations throughout central Maine.

Ganneston Construction's record of success and service is stellar. On the one hand, Ganneston has never failed to complete a contract and continues to see its workload rise as a result of its first-rate performance. Whether constructing for the Air National Guard or the University of Maine, for shopping centers or apartment complexes, Ganneston maintains a commitment to solid craftsmanship that has helped the company earn its prestigious reputation. On the other hand, the company's officers and employees donate significant time and resources to help those in need, making good on Ganneston's value statement "to give back to the community in which we live." I thank Stacey Morrison and everyone at Ganneston Construction for their hard work and determined generosity, and congratulate them on their recognition.●

##### TRIBUTE TO ROBERT O. ANDERSON

• Mr. BINGAMAN. Mr. President, Robert O. Anderson was not a citizen just of New Mexico, but I think it can be fairly said that he was one of those people for whom the term "citizen of the world" was intended.

He died in December at age 90, and his memory was honored at this past weekend services in Roswell, NM. Our State has been his home for decades. Those of us who knew him were reminded each time we talked with him how wide-ranging his interests were, and how progressive and determined a man he was. It was his leadership and willingness to take a risk that led to the discovery of oil on the North Slope of Alaska, and the pipeline that followed 7 years later.

He was a giant in the oil industry, in ranching, in business, in publishing, in politics and in environmental circles. A thoughtful and perceptive man—he warned of global warming years ago—he was a patron of the arts and of institutions devoted to study and research,