

September 11 attacks. It was a great honor, both for him and our faith, that the President invited him to that gathering. A few months later, on the eve of the Winter Olympics in 2002, President Bush said, "President Hinckley represents a great religion, he is a strong part of the American scene."

But President Hinckley never let his love of the United States obscure his vision for the rest of the world. Prior to becoming the LDS president in 1995, Hinckley supervised the church's organization in Asia, Europe, and South America. During his tenure, the number of members living inside North America was surpassed by those living outside of it. The nations of the Earth heard his voice and he brought them a knowledge of the truth by the wonderful testimony which he bore.

As president, he administered to both the ecclesiastical and temporal needs of the church, whose 13 million members are spread over some 160 nations and territories. President Hinckley lifted his voice on every continent, in cities large and small, from north to south and east to west across this broad world. One global vision President Hinckley had for the LDS Church was a perpetual education fund, whereby members in wealthier nations could donate to the education of those in developing nations, thereby empowering them to help themselves and strengthening the infrastructure in struggling parts of the world, particularly Latin America.

When he became president of the church in 1995, the church had only 47 temples, our special meeting houses such as the magnificent one in nearby Kensington, MD. Thanks to President Hinckley's vision of expansion, today there are 124 in operation, and 12 more are under construction.

One of his first messages upon becoming our prophet in 1995 was a proclamation to the world, declaring the divine nature of the family unit and providing direction on how to nurture strong family relationships. There is no greater duty or privilege among the Latter-day Saints than to serve our families. President Hinckley admirably demonstrated that service as a grandfather, father, and husband to his eternal companion, Marjorie, who walked side by side with him for two-thirds of a century.

Now he and Marjorie are walking together in the fields of paradise, enjoying a richly deserved peace in the Lord. I am sure at this time he would remind us that death is the great equalizer. No matter what a man or woman may accomplish in this life, this final inevitability is waiting for them. Shortly before his own passing, perhaps seeing the end was nigh, President Hinckley told church members, "A man must get his satisfaction from his work each day, must recognize that his family may remember him, that he may count with the Lord, but beyond that, small will be his monument among the coming generations."

Our heads are bowed now, as we bid him farewell. Gordon Bitner Hinckley joins the ranks of departed prophets, on whose shoulders he stood and in whose mighty company he can now proudly mingle. God be with you, our friend, till we meet again.

I have to say, he stood for everything that was good, and I love him.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FISA

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly in opposition to the motion to invoke cloture. The amendment which I have filed goes to the heart of the issue on removing liability from the telephone companies to impose retroactive immunity. The amendment which I have filed and has been discussed on the floor of the Senate would substitute the Government for the party defendant, where the Government would have the same defenses—no more, no less.

For example, the telephone companies do not have the defense of governmental immunity; and the Government, when substituted, would not have the defense of governmental immunity. The telephone companies can plead state secrets to foreclose the litigation; and when the Government would be substituted, for example, the Government could assert the doctrine of state secrets in order to foreclose the litigation.

If the motion to invoke cloture is granted, I am advised by the Parliamentarian my amendment would not be germane and, therefore, would be stricken. We went through a long session last year where the argument was made, repeatedly and persuasively, not to invoke cloture—the argument advanced on this side of the aisle—in order to give Members on this side of the aisle an opportunity to propose their amendments. Now we have the first situation sought to be applied, and it is my hope this body will reject the cloture motion.

There has been very little time spent on this very important subject in this body, and when you have a matter of the importance of retroactive immunity, where you are going to shut off the courts of the United States from hearing cases that are already pending, there ought to be time for consideration of an amendment such as the one Senator WHITEHOUSE and I have offered to substitute the U.S. Government.

The purpose of our amendment is to comport with the basic constitutional provision of separation of powers,

which is the cornerstone of the Constitution, and we have found, regrettably, it has been inadequate to have congressional supervision, congressional oversight, because of its ineffectiveness. For example, when the Judiciary Committee seeks to obtain records on the destruction of CIA tapes, you find the administration resisting and the inevitable argument of politics. When the court issues an order, as the Federal Court did last week for a report on the destruction of documents, seeking to find out what happened on the destruction of the CIA documents, the court can't be charged with politics. We find in Rasul, and in other litigation matters, the judicial branch has been effective in maintaining the separation of power.

One further comment. It is a surprise to me that the amendment which I have offered with Senator WHITEHOUSE has been ruled nongermane. I took a look at Webster's International Dictionary and germane is defined as: closely or significantly related; relevant; pertinent; closely akin.

I consulted with a Parliamentarian and asked why our amendment was ruled as nongermane, and the answer given was because there was no specific statement of the underlying bill on governmental liability. In pursuing the issue with the Parliamentarian, I then said: I am going to seek to change the rules.

It seems to me peculiar, if not absurd, that my amendment, the Specter-Whitehouse amendment, would not be germane under the common meaning of the English language. I said: Suppose we change the rules to provide that it was relevant? And the answer I got, and I don't want to misquote anybody, was that: Yes, that would stand the test of relevancy. As he put it, a more permissive standard.

So then I checked the definition of relevant in Webster's International Dictionary, and it says:

Bearing upon or connected with the matter in hand; to the purpose; pertinent, raise, lift up, syn applicable, germane, appropriate, suitable, fitting.

Well, the key part about the definition of relevant is that one of the synonyms is germane, just as one of the synonyms of germane is relevant. Now, it is a loss to me. I have been here a while, and I have had a hard time understanding the ruling of what is germane, and I have never seen one as close to the core point as putting the Government as a substitute for the telephone companies, but somehow it is not germane.

So I wish to put my colleagues on notice that I intend to try to change the rules. I can't see why one is necessary when Webster's has germane as a substitute for relevant and relevant as a substitute for germane. If the Parliamentarian thinks that relevant is OK, it is, again, hard for me to see why germane is not. A little surprising.

Mr. DORGAN. Mr. President, will the Senator yield for question? I don't want to interrupt his comments.

Mr. SPECTER. I will.

Mr. DORGAN. Mr. President, morning session is up at 3, and I am scheduled for 15 minutes. I might ask to extend the time. I don't know how much time the Senator is going to use, but I want to make certain I have the opportunity that was previously ordered, for 15 minutes on this side.

The ACTING PRESIDENT pro tempore. There is 10 minutes, 12 seconds remaining, and morning business is under the control of the majority.

Mr. DORGAN. Mr. President, how much additional time does the Senator from Pennsylvania need?

Mr. SPECTER. Less than a minute.

Mr. DORGAN. Let me ask unanimous consent that we extend by 5 minutes the time for morning business so it terminates at 3:05.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I thank my colleague for his courtesy.

Mr. SPECTER. I thank the distinguished Senator from North Dakota.

Well, I have made my argument. I think it is important to have a ruling, a vote by this body on whether we are going to apply retroactive immunity to the telephone companies. I said on the floor last week that if my amendment is not adopted, I will support retroactive immunity. I think it is a bad practice, but I think, as bad as that practice is, it would be worse to cut off the information which our intelligence community thinks we need. I think it is not advisable. And when we have a method of having both objectives, that is to have the Government have access to the information and at the same time not impose the cutting off of the judicial system for checks and balances, I think that ought to be adopted.

And further, a final comment on the hard-to-understand definition of germane. The dictionary defines it as being relevant, and the dictionary defines relevant as being germane, with the Parliamentarian giving a supplemental opinion that if the standard was relevance, it would be appropriate to have the amendment.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

#### ECONOMIC STIMULUS

Mr. DORGAN. Mr. President, tonight we will hear from the President in his annual State of the Union Address. I know the President is expected to talk a great deal about the economy and the need for an economic stimulus package. I wanted to talk for a moment about this because I think it is important for us to understand what is happening to our economy.

I know there are some who think the field of economics is some field with precision and elegance and that we are dealing with the ship of state. If we can

find our way to the engine room and find all the knobs and gauges and valves and levers and turn them the right way, such as providing an investment credit and bonus depreciation, that somehow we will get this ship of state moving again. Of course, that is not what is at stake at all. There isn't an engine room with knobs and valves and gauges. This is the field of economics, which I have said previously is a lot like psychology pumped up with helium.

So we talk a lot about knowing what is going on. The fact is we are going to now do a stimulus package because there is a notion that there is a problem with the economy. Well, there is more than a problem, there is a very serious problem with this economy. Take a look at the stock market, which is a barometer of confidence—up and down similar to a yo-yo—mostly down. The housing market has cratered, with construction of new homes and apartments in 2007 down 25 percent from the prior year. That is one of the giant job engines in our economy—the housing market. The unemployment rate has jumped, with some 1.4 million workers without a job for 27 months or longer. The trade deficit recently hit a 14-month high. Oil prices are still way up. Retail sales are their worst in years. So we have a very serious problem.

Now, the Federal Reserve Board took bold action last week and that is unusual for the Federal Reserve Board. They all wear gray suits and wire-rimmed glasses and seldom do anything that is very bold, but last week they did. They cut interest rates by three-quarters of 1 percent. So the expectation is that because the Fed is taking that action and seems to be very concerned about the economy, that we should take a look at our fiscal policy, so there is talk about a stimulus.

Frankly, I think a stimulus package is fine. I don't think it does all that much. But the absence of doing something on the Senate side of Congress would send the wrong signal. Psychologically, it is important we work on a stimulus. We are talking about a stimulus that is probably 1 percent of our economy, so it is not exactly going to jump start the American economy. In addition, if all we do is a stimulus package and we continue to ignore the fundamentals, the things that are structurally wrong in this economy, the things that have not just caused the economy to be in some trouble but caused the American people and people all around the world to look at us and say: You know something, you are off track. You are not addressing the things that matter, and this is unsustainable. If we don't do something to address those things, we will not be addressing the basic problem of our economy.

So let me talk about that. No. 1, a fiscal policy. A reckless fiscal policy. I mean, in recent years, think of it. This

administration inherited a large budget surplus. Then we got hit with a recession, a war in Afghanistan, a war in Iraq, a war on terrorism—and a whole series of events—including Hurricane Katrina. Many of us said to the President: Don't propose we spend surpluses that don't yet exist. Let us be conservative. He said: Katy bar the door, let us have big tax cuts and most of it for the wealthy, and he pushed it through Congress.

Now, I didn't push for it, he did, and we ran up a huge deficit because of all these unexpected circumstances we were confronted with. So now, in recent years, we have sent soldiers off to war, and the President says to Congress: We are sending soldiers to go fight, but we don't intend to pay for it. I want the Congress to provide emergency spending in order to pay for that, and we will add it to the debt. Last year, he asked Congress for \$196 billion for the current fiscal year. That is \$16 billion a month, \$4 billion a week, none of it paid for, and all of it added to the debt. As if to say to the soldiers: You go fight, and when you come home, we will have you and your kids pay the bills. That is a fiscal policy that is completely off balance.

We are going to borrow about \$600 billion this year. That is how much will be added to the debt. I know that is not what they say the deficit is. They say the deficit is lower because, among other things, they are taking all the Social Security surplus from the trust funds and using it to show a lower deficit. We are going to borrow about \$600 billion a year to sustain the budget policies of this administration. Add to that a \$700 billion to \$800 billion a year trade deficit, \$2 billion a day every single day, and you are talking about a combined red ink in our budget and trade policies of some \$1.3 trillion. That is almost 10 percent of the American economy. Think of that. That is unsustainable.

Now, add to a reckless fiscal policy and a trade policy in which we are hemorrhaging red ink and exporting American jobs, regulators who were asleep on the job—people who came to Government but didn't want to regulate—and the subprime loan scandal occurred right under their noses. We all heard the advertisements. When you turned on the television, you heard the ads. It couldn't have escaped the notice of the regulators, surely. The ads said: Have you been bankrupt? Do you have trouble getting credit? Have you been missing your house payments? Come to us. We have a loan for you. We will give you a new home mortgage. And so they did, with a teaser rate at 2 percent and unbelievable circumstances.

Everybody was making lots of money. The brokers were making millions, the mortgage banks were making a lot of money, and then they were packing these mortgage loans, the good ones, with the bad ones, just like they used to pack sausage with meat and