

role in overseeing the Nation's surveillance program. I should say a greater role and an appropriate role in overseeing the Nation's surveillance program.

First, the FISA reauthorization will require the FISA Court to review the administration's procedures for determining that the targeted surveillance is reasonably believed to be outside the United States. Second, the FISA Court must review the procedures for minimizing the identities of and information about Americans incidentally detected during the surveillance of foreign targets. Third, the court must approve or disapprove the targeting of Americans overseas under this new authority on an individual basis, based on its review of whether there is probable cause to believe the person is an agent of a foreign power. Fourth, the bill includes a 6-year sunset to allow Congress to evaluate how the new authorities are carried out, and to ensure abuses do not occur before authorities are extended further. The threats and technologies are changing so fast that Congress will need to update the legislation during that time.

Finally, the bill requires the intelligence community to conduct an annual review and requires detailed semi-annual reports to be submitted to the House and Senate Intelligence and Judiciary Committees concerning collections authorized under the bill, including instances of noncompliance.

These provisions represent a dramatic improvement to our Nation's international surveillance program, and I am pleased they are the foundation of the bill. But we can do more to strengthen the bill and do better to enforce the rule of law.

I support Senator CARDIN's amendment, which I cosponsored, to have a 4-year sunset for the bill rather than 6 years. If we learn of problems in the program, if the technologies continue to change or if the threat changes, we should have the opportunity to change the law.

Over the coming days, we will also debate how to handle the question of immunity for companies that participated in the warrantless surveillance program from 2001 until 2007.

In my view, if a company was knowingly acting in violation of existing law, the courts should review their actions to determine if there was wrongdoing. If, however, the Attorney General or an intelligence agency approached that company, and the company clearly tried to follow the law and act in good faith, it should not be held liable.

That is why I am cosponsoring Senator FEINSTEIN's amendment which establishes an independent process for reviewing whether a company should receive immunity. Under this amendment, the FISA Court would follow a three-step process for determining whether a lawsuit has merit.

Senator FEINSTEIN has proposed a smart and fair solution to this very dif-

ficult problem. The FISA reauthorization has become unnecessarily politicized, in my view. We are fully able to strengthen our Nation's international surveillance capabilities while protecting the privacy of Americans. I hope the Members of this Chamber can put the rhetoric and threats aside and move forward to assure that America is, in fact, protected, both in terms of threats against them in violence from terrorists and at the same time that we protect their civil liberties.

I hope we can pass the FISA bill soon. I hope the President will do what is right and sign it.

The Senator from Alaska.

(The remarks of Senator MURKOWSKI pertaining to the introduction of S. 2570 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to address the Senate as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I thank Senator MURKOWSKI for her work. There is absolutely a need for that legislation. I appreciate what she has done.

#### ECONOMIC STIMULUS

Mr. BROWN. Last night we heard a vision that the President of the United States was standing in the Chamber of the House of Representatives speaking to all of us. He talked about how best to proceed during times of clear economic crisis, job loss, health care, energy costs soaring, threats to our domestic safety nets, and a war in Iraq with no end in sight.

When news media people asked me what I thought about the speech, one of the things I said was I wished the President could have sat in on some of the meetings that I had as I traveled Ohio in the last year, my State. I had about 80 roundtable meetings of 15, 20, 25 people in a community where for an hour and a half I would ask them questions about their communities, about their problems. In every corner of the State, I heard from veterans and first responders, from farmers, from people running small businesses, from teachers, from students, from community leaders, from mothers and fathers. I wish the President had been able to hear some of this because people clearly want to hear their Government is finally committed to change and to fighting for the middle class.

They want to hear that the economic policies of the last 7 years, policies

that have failed them, are a thing of the past and we have a new direction. They want to hear about a plan to finally bring back good-paying jobs, lower our health care and energy costs, secure our safety nets, and end the war in Iraq.

For Ohioans, the future is about change. Let's say you are driving down the road. You notice that the signs, mile markers, exit signs, billboards as huge as houses are telling you that you are going in the wrong direction: Signs saying wages stagnating, signs saying U.S. jobs being shipped overseas, a housing crisis deepening, health care costs soaring, increased dependence on foreign oil, product safety unsure, no end to the war in Iraq. The longer you stay on the road, the worse things get.

So you hit the gas pedal and head further down that road. If you drive down the road, the wrong road, long enough, does it become the right one? Of course not. You do not proudly log more miles on the wrong road. You change direction.

If there is one thing you can say about the administration and its supporters in Congress it is that they are consistent. They consistently answer to the wealthiest Americans and to the largest corporations and pay lip service to the rest of the population.

Think about last night. The President said 116 million people—if we extend the tax cuts, 116 million people will get tax cuts averaging \$1,800 a person.

Does the President really say—does that really say what the tax cuts mean? It is a very small number of people getting huge tax cuts, and tens and tens and tens of millions of Americans are getting almost nothing.

Does he say it that way? Does he tell the American people that is what it is? Of course not. He says the average American will average \$1,800 from the tax cuts. Simply, that is very misleading. We have seen that on tax policy over and over and over in this administration.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. BROWN. I will yield to the Senator.

Mr. DORGAN. Mr. President, I was going to inquire of the Senator from Ohio if he found, as I did last night, it very unusual to have the entire State of the Union Address talking about the economic difficulties in our country and the need for a stimulus plan and so on without ever mentioning the real root causes at all of what has put us in this position: For example, a \$700 billion, going to an \$800 billion-a-year trade deficit; a fiscal policy budget deficit that is going to require us to borrow \$600 billion in this fiscal year, just that combination is \$1.3 trillion in red ink, 10 percent of our GDP in 1 year.

You know, the fact is, everyone in the world, including American citizens, look at that and understand that is so far off the track there is no way that works.

I support a stimulus package. I think it is fine to do for psychological purposes. But I am wondering if the Senator from Ohio wonders, as I do, why the President does not even seem to recognize the underlying causes of the economic difficulty in our country.

Mr. BROWN. I appreciate the comments from the Senator from North Dakota, who understands probably better than anybody in this body what this trade deficit means, what this trade policy means. And what is amazing is the President does not look at the \$800 billion trade deficit.

When I came to the Congress in 1992, it was \$38 billion. Now it is over \$800 billion.

The President's father once said \$1 billion in trade deficits translates into the loss of 13,000 jobs. Now it is \$800 billion, and the President did not address that. But what he did say is: Let's do more of this. He said: We need a trade agreement with Columbia, we need a trade agreement with Panama, we need a trade agreement with South Korea. And it just makes me incredulous that the President cannot look at what has happened and say: Wait a second, let's do a timeout. Let's do no further trade agreements. Let's go back, as the Senator from North Dakota, Mr. DORGAN, has suggested, and let's have benchmarks. Let's look at what NAFTA did to our country, look at what CAFTA has done to our country, look at what trade with China has done to the middle class.

The President totally missed that. At the same time, the President said: Let's do more tax cuts for the wealthiest 1 percent at the expense of the middle class and drive up these budget deficits. So we have trade deficits of \$800 billion, plus we have budget deficits of about \$1 billion a day. And that is fundamentally the biggest problem with our economy, as you suggest.

Mr. DORGAN. I agree with that analysis. I sat in that Chamber last evening. A joint session is always a wonderful privilege, to hear the President give the State of the Union Address. I was thinking, everyone is sitting here in dark suits and pretty well dressed up for a big occasion. Not one person in that Chamber is going to have their job lost because it was shipped overseas someplace in search of cheap labor. Nobody in this Chamber, nobody in the Senate has ever lost their job because somebody decided to outsource it to China for 30 cents an hour labor.

A lot of working people have to come home at the end of the day and say: Honey, I was given notice today. I lost my job because they found somebody halfway around the world who will do it for 20 cents an hour. They told me I can't compete with that. Our family can't live on that.

Just talking about the trade piece of this, the President completely ignores that. There ought to be a summit meeting at this point, if you have \$1.3 trillion of red ink in 1 year. They say

the budget deficit is only \$300 billion, \$275 billion. It is not. Take a look at the budget policy and find out how much we are going to increase the debt in this year. The debt is going to increase by \$600 billion on the budget side and \$700 to \$800 billion on the trade side. That is \$1.3 trillion off the track in one single year, 10 percent of our economic output. The fact is, that is unsustainable and is going to run this country's economy into a ditch. If we are going fix it, we have to diagnose it. This President hasn't come close to even acknowledging the difficulty on those two issues, fiscal policy and trade policy, let alone the issue of the scandal of the subprime loan which is regulators falling asleep or unbelievable hedge fund speculation outside of the view of regulators because they don't want to be regulated.

Would the Senator from Ohio agree that these are the underlying causes of concern about this economy?

Mr. BROWN. Absolutely. I remember back in the early 1990s, we were concerned about the twin deficits, the trade deficit and the budget deficit. We had a budget deficit then of about \$300 billion a year and a trade deficit, as the Presiding Officer knows—who joined me in voting against NAFTA a decade ago—of under \$100 billion. We considered that a serious problem. Today, President Bush doesn't recognize that this trade deficit means anything. To the contrary, he says, it seems to be working. Let's do more of it.

Again, I go back to what his father said, that a billion dollars in trade deficit translates into 13,000 lost jobs. You can see how it does. Because a billion dollars in trade deficit means we are buying a billion dollars, we are importing a billion dollars more than we are selling, and that means we are manufacturing less because we are not making it ourselves. If we manufacture less, it means thousands of Ohioans or North Dakotans or New Jerseyans are finding they are not working at \$12 or \$15 or \$20 an hour. If those plants lay off workers, communities get less tax dollars, police, firemen and teachers are laid off. It undercuts the economic vitality of the community and the public safety. It undercuts the ability of our schools to educate our children. It is clearly a downward spiral that is only accelerated when we pass a trade agreement with Colombia and with Peru and Panama and another trade agreement with South Korea.

Mr. DORGAN. The fact is, it is not something I enjoy doing, to talk about the difficulties. I would like to talk about the opportunities for this country. We will not get to the opportunities until we decide we are going to start taking care of some things here at home.

This President, in this past fiscal year, the one we are in right now, sent us a request for \$196 billion of emergency money and said: I want it put on top of the debt. Don't pay for it. Add it to the debt. That is \$16 billion a month,

\$4 billion a week for Iraq and Afghanistan, to replenish the military accounts for that purpose. Now we are told he is going to send another \$70 billion on top of that. That takes us to close to three-quarters of a trillion that will have been spent, none of it paid for, all of it requested by this President as an emergency so it didn't have to be paid for. You look at that and you say to yourself: We have so much that needs doing, including not just on the budget side getting our act together but on the trade side, standing up for our country's interests, demanding fair trade, and, on the investment side, investing in infrastructure, all these things.

Last night it was almost as if the President was oblivious to the fundamental causes of the economic difficulty. This is a great economic engine we have, but the fact is, it needs some work. It doesn't need somebody to polish it with a rag and hum a nice tune. It needs real work to get this engine going again. The American people are innovative, great workers. It is an inspired country in which we live. That is why we have progressed the way we have over 200 years. But the American people need something to work with. We need to invest in working people. We need to have faith in working people. Instead what we have done is pulled the rug out from under working families.

I have used so many examples in the Senate, and my friend from Ohio knows all of them because a good number of them come from the State of Ohio, Huffy bicycles and Etch A Sketch and so many examples, all those jobs now in China that used to be in Ohio.

One of my favorites is to talk about Fig Newton cookies. The National Biscuit Company, NABISCO, took Fig Newton cookies from New Jersey to Mexico. Why? They could find somebody who would shovel fig paste apparently at a much lower cost than it cost to pay somebody to shovel fig paste in New Jersey. If you want to buy some Mexican food, buy Fig Newton cookies, made in Mexico, still called the National Biscuit Company, except it isn't so national anymore. Now they are made in Mexico.

That is one example of a hundred, a thousand, a million we could give and have. It is the question of whether this country is going to stand up for its workers and whether we are going to have the courage not just to stand up for workers in fair trade agreements but whether we are also going to put on track fiscal policy, trade policy, regulatory authority in a way that gives people confidence about the future of this economy and jobs and opportunity.

Mr. BROWN. When I hear Senator DORGAN talk about this, I think about 20 years from now, 15 years from now. We are going to look back on this time, and we will think: What were they thinking when they changed the laws to allow so many cheap imports from

China, made by workers in unsafe conditions, sending products back, toxic toys to our children's bedrooms and contaminated food into our kitchens and pantries? We are going to look back 20 years from now and think: Why did we dismantle our industrial base, jeopardizing our national security, the security of our family farms in North Dakota and Ohio and small businesses and manufacturers in New Jersey and all over the country? We are going to look back and think: Why did we let corporations lobby this Congress so that they changed the rules so that it made sense for these companies, in terms of their bottom line, in terms of their profits, to go to China instead of manufacturing in Galion or Toledo or Youngstown, OH?

Imagine instead if we as a nation decided we were going to have a Marshall plan or go to the Moon kind of plan on alternative energy, that we changed our trade law and our tax law and we began through biomass, through production of wind turbines and solar panels. Imagine if we set out to remake our energy policy and our country's industrial base by changing trade law, by changing tax law. We clearly still do the best R&D in the world on all kinds of scientific research and medical research. But so often we do the R&D here, which is good for the economy and good for creating jobs, but then most of the production is shipped offshore. So what good is that for our country, when we develop the research, we do the research and development and then send it offshore?

The Senator mentioned the Ohio Art Company. That sort of tells the story. It is a company in northwest Ohio right in the corner where Indiana and Ohio intersect with Michigan. They make something that most of us knew as children called Etch A Sketch. About 7 or 8 years ago—I was in Bryan a couple months ago talking to an executive of Ohio Art Company. Seven or eight years ago a major U.S. retailer went to them and said: We want to sell your product in our stores for less money, for under \$10. The only option that Ohio Art Company had was to stop most of its production in Ohio and move its production overseas. Every job that was moved to China meant less money for the Bryan Police Department, less money for the Williams County government, less money for public schools, less money paid into Medicare, less money paid into Social Security. It made us poor as a nation. At the same time, those products moved to China. But it lifted the living standards there because wages are so low. The Chinese wink and nod at best at any kind of environmental rules or worker safety rules. We have done little to lift up.

Senator DORGAN and I want more trade but a different set of rules. Instead of lifting workers up so Mexican workers would be buying American products and we would be buying Mexican products back and forth the way

we should trade, and their living standards would go up, they would have good environmental and worker safety standards, their wages would rise. That is what happened with the 50 States in the United States. As companies moved around the United States to the South, eventually their wages went up and we began to enrich all sections of the country.

We are not doing that with China. We are not doing that with our trade policy. That is why I was so disappointed that last night the President said: We want a new trade agreement with Colombia. We want one with South Korea. We want one with Panama. Instead of going in the right direction, we are changing our trade policy and moving in a different direction.

Mr. DORGAN. Mr. President, the Senator and I are working on a piece of legislation we intend to introduce that would establish benchmarks for trade agreements. We had a \$1.5 billion trade surplus with Mexico. We did a trade agreement. Guess what. We turned that surplus into a huge deficit, a giant deficit, \$60 billion to \$70 billion a year. So we turned a surplus into a deficit, shipped a lot of U.S. jobs to Mexico. What we need is a trade agreement with benchmarks and accountability. Is this trade agreement meeting the objectives we developed for our country? After all, we are stewards of our country. We want our country to do well. Yes, we want to lift others. We want to it be a more prosperous world. But first we want this country to do well.

Wouldn't it be the height of irony, an unbelievable perversion, if we passed a "stimulus package," and we borrow the money from China to put money in the hands of American families who can take it to Wal-Mart and buy a Radio Flyer little red wagon made in China. We borrow the money from China, give to it an American consumer who goes to Wal-Mart to buy a Chinese wagon. I say Radio Flyer because that is one of those great American brands. Almost every child in this country has hooked a ride on a Radio Flyer, either theirs or their neighbor's. Do you know how Radio Flyer got its name? It was an immigrant who came to Chicago, IL, and decided to start trying to make some wagons. He made a few of them. Everybody liked them. He was a guy who came to our country and was so pleased with being able to come to our country. He liked two things. He loved airplanes and somehow he liked Marconi and the radio. So he decided he was going to put Radio Flyer on the side of the little red wagon, and it began. For 110 years, they built Radio Flyer little red wagons in America, the dream of this immigrant innovator. They don't make them here anymore. They are all made in China. They closed their doors, went in search of cheap labor.

It is interesting that when we talk about this, some will listen and say: The guy from Ohio, the fellow from

North Dakota, they don't get it. They are a bunch of xenophobic isolationist stooges who can't see over the horizon. It is a global economy. Get over it.

It is a global economy. But the rules have not kept pace with galloping globalization. The result is pushing down standards in the United States, moving jobs from the United States overseas, a hemorrhaging trade deficit that is dangerous for our country's interests, \$2 billion a day every day that we import more than we export. The largest export from the United States by volume is wastepaper to Asia. Think of that.

My point is simple. I appreciate the work the Senator from Ohio and others have done on this issue. We have to put this country on track. I am for trade and plenty of it. But I demand and insist that we stand up for this country's interests and demand fair trade. We have to bring this trade deficit down. That is putting dramatic amounts of money in the hands of the Chinese and Japanese and others. Don't be surprised when you open the paper to find out what they have purchased next, one of our major investment banking companies, you name it.

We to have fix this. I know the Senator from Ohio came here with a statement and I interrupted him, but what I wanted to do was to say, I was very surprised last night to sit in the State of the Union Address and hear talk about a stimulus and hear talk about the economy and not even hear one whisper about the real vulnerabilities of this economy—a trade deficit out of control, reckless fiscal policy, combined with adding \$1.3 trillion in debt, 10 percent of the GDP in 1 year, and then regulators asleep and apparently applauded for being asleep, while we have unregulated hedge funds, leveraged transactions, \$43 trillion of notional value, something most people can't understand, notional value, credit default swaps. Sounds like a foreign language. There is \$43 trillion of notional value out there in credit default swaps. There is a totally unregulated hedge fund industry with derivatives.

There are a lot of things we need to care about and we need to fix. The Senator from Ohio is absolutely right in talking about it on the floor of the Senate tonight. I deeply appreciate his willingness to let me interrupt him for a couple minutes because these are very important issues for our country.

Mr. BROWN. Mr. President, I thank the Senator from North Dakota. He told the story about the immigrant who settled in Chicago. That may have been a story from a different era, but we still in so many ways are a nation of tinkerers and inventors, entrepreneurs and scientists—a nation that still leads the world in brain power in terms of figuring out new products, new ways of doing things, new services. The problem is, there has been a disconnect between that and production and job growth and job creation.

That is why the President's speech last night, to me, was so disappointing,

that he has asked for more tax cuts for the wealthiest Americans, tax cuts that, frankly—usually, these tax cuts to the wealthiest Americans are at the expense of the middle class. He has asked for more trade agreements while our trade deficit explodes year after year after year.

As Senator DORGAN suggested, we know what we need to do as a nation. We know what we need to do with tax policy to serve the middle class. We know what we need to do with trade policy to serve the middle class.

Even though the President wants to stay the course, wants to continue the same direction, I think there is change afoot in this country. People want change. People want to strengthen again the middle class and strengthen our communities in New Jersey and Rhode Island—Senator WHITEHOUSE is in the Chamber, too—and in my State of Ohio, from Lima to Zanesville and from Dayton to Warren.

I thank you, Mr. President, for your time and again exhort Americans to look down the road for a new trade policy, a new tax policy that helps to build the middle class.

#### FISA

Mr. COBURN. Mr. President, at the end of this week, Americans may find themselves at greater risk of a terrorist attack when the Protect America Act expires on February 1. On that date, we will be forced to revert to the antiquated 1978 Foreign Intelligence Surveillance Act, or FISA, to monitor the communications of suspected terrorists, unless this Congress moves quickly to make permanent changes to that law. It is therefore critical for Congress to enact permanent modernizations to FISA so that our intelligence officials will have every tool they need to monitor the communications of terrorists who seek to destroy the United States.

The consequences of allowing the Protect America Act to lapse could be deadly. The PAA was passed last August to modernize FISA so that the statute could do in practice what it was always intended to do—govern certain foreign intelligence surveillance activities directed at persons in the United States, without inadvertently burdening those activities directed at persons overseas. FISA, however, has not kept up with technological advances that have been made since 1978. As a result, prior to the PAA, intelligence officers were often forced to obtain a court order before beginning surveillance against a terrorist or other foreign target located in another country. This unnecessary and burdensome requirement caused U.S. intelligence agencies to lose about two-thirds of their ability to collect communications intelligence against al-Qaida.

Thankfully, the Protect America Act helped to close the inexcusable gap that left this country blind to the plans our enemies were making against

us. As Director of National Intelligence Michael McConnell said, the PAA has “allowed us to obtain significant insight into terrorist planning.” To allow such a vital antiterror tool to lapse at this time would be the ultimate dereliction of duty.

The United States must remain vigilant against a terror threat that is real and constant. The National Intelligence Estimate on “The Terrorist Threat to the US Homeland,” released just 6 months ago, concluded that this country will face a “persistent and evolving” terrorist threat over the next 3 years, particularly from Islamic terrorist groups and cells like al-Qaida. No person in America is unfamiliar with the capabilities and determination of such terrorist groups, and Americans trust us to make the right decisions to protect them and their children. Without making permanent changes to FISA to ensure the fast and effective intercept of foreign intelligence information, little else we do will matter.

Retroactive immunity is in the best interest of this Nation's security and must be included in FISA modernization, as it was in the Intelligence Committee bill. Following the attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept international communications into and out of the United States of persons linked to al-Qaida or related terrorist organizations. The administration's obvious and stated purpose of this authorization was to “establish an early warning system to detect and prevent another catastrophic terrorist attack on the United States.” Therefore, the administration made requests for telecom companies to cooperate with its intelligence activities. The companies complied with the government's request for help, relying on written assurance from the executive branch that their actions were both necessary and legal.

Now these companies face multibillion dollar lawsuits challenging their actions. Such lawsuits not only create potentially staggering liability for the companies, they also create the risk that sensitive details about our intelligence sources and methods will be revealed through discovery. Moreover, failing to protect those who cooperate with the Government to thwart terrorist activity will undermine the willingness of others to cooperate in the future. A powerful op-ed authored last October by former Attorneys General Benjamin Civiletti, Dick Thornburgh, and William Webster, said it best:

The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

Recognizing the gravity of the situation, the bipartisan Senate Intelligence Committee voted 13 to 2 to include retroactive immunity in its bill. This overwhelming vote came after the committee reviewed the classified documents on which these companies relied. The committee ultimately concluded that the Government “cannot obtain the intelligence it needs without assistance from [telecommunications] companies.”

Protecting the corporate good citizens who answered the call to assist our intelligence community during a time of great danger to this country is the right thing to do. Anything short of full immunity for those companies that, at the Government's request, on the written assurance that such action had been authorized by the President and deemed lawful, would undermine the security of the United States is simply unacceptable.

The carefully crafted, bipartisan Senate Intelligence Committee bill protects privacy interests without undermining our intelligence community's ability to do its vitally important job. The bill was approved by a vote of 13 to 2 after careful consideration of complicated issues and classified documents. It will allow our intelligence professionals to continue collecting foreign intelligence against foreign targets located outside the United States without requiring prior court approval. This is consistent with the intent of the legislators who enacted FISA in 1978 and represents no change in the way that the NSA has always conducted foreign surveillance.

In so doing, the bill will also continue to protect the civil liberties of Americans in this country, surveillance of whom has always required prior court approval. Nothing we are considering in the Senate today would alter that. In the event that communication from a U.S. person is inadvertently intercepted, the intelligence community uses “minimization procedures” to suppress the data. The result is that the communication is never used or shared. These procedures have been used effectively for 30 years and will remain in place after permanent FISA changes are enacted.

Enacting permanent modernizations to FISA is one of the most important duties the Senate will undertake this year. We have known for 6 months that the Protect America Act would expire on February 1 and have no excuse for not getting this done correctly before that date. The stakes in this debate could not be higher. Although the details can be complicated, the basic issue is pretty simple. As Andy McCarthy said in a recent piece for the National Review Online, “Osama bin Laden doesn't need to apply to a sharia court before blowing up an American embassy; the president shouldn't need to apply to a federal court to try to stop him.”

Unfortunately, I was unable to make it back to town in time for the two cloture votes that were held yesterday.