

doing something for him, and she couldn't make that payment any longer because everything had to go to prescriptions and the basic necessities of just keeping alive.

We have heard a lot of these stories. I know the distinguished Presiding Officer has heard these stories as he goes around Florida.

As an aside, I think it is worth observing while we are here, what a shameful mistake—what a shameful mistake—this Congress made when it had the chance and it had the choice to close this terrible gap in this coverage for seniors and it chose not to. It chose not to so that it could give the wealthy pharmaceutical industry—one of the richest and most successful industries in the country—one of the fattest perks, one of the biggest benefits, one of the biggest insider deals that has ever come through this building—something almost unique in the annals of corporate special favors. What a racket. It gave them the ability to avoid having Medicare and Medicaid negotiate with them over the price of their pharmaceuticals. What a racket. And we did that. The extra cost that puts into that system means you have to maintain that hole and that seniors are going to fall into that trap over and over again.

Well, that is a fight we are going to continue. I know the Senator from Florida feels strongly about it, I feel strongly about it, and many others feel strongly about that. It is wrong to have seniors such as Travis's grandmother or the lady who can't make her \$50 contribution to help her son be the ones to lose and an industry making billions, which has everything it needs, win out over them.

So now we have this stimulus package. Our Nation is confronting uncertain economic times, and Congress is working diligently to try to put together a package to prevent us from sliding further into the Bush recession. However, when the initial agreement was announced between the administration and the House of Representatives, I was concerned—as the Senator from Florida was; we spoke about it—that many seniors, one of the groups who most need our help, were excluded from that deal.

Most seniors, who rely on Social Security benefits and savings, do not pay income taxes, and they would not be eligible for an income tax rebate based on taxable income and delivered through the Internal Revenue Service. It just wouldn't reach them. Indeed, 61 percent of seniors who received Social Security benefits did not pay income taxes in 2006, the last year for which there is data. Sixty-one percent would have gotten nothing under that package.

Well, today, more than 138,000 Rhode Islanders—to the Senator from a great big State such as Florida, that may not seem like a big number, but 138,000 in a State with a population of just 1 million is a lot of people—138,000 Rhode Is-

landers over the age of 65 receive Social Security benefits.

It is not a big benefit, it is not a generous benefit. It averages \$12,374 a year. Based on the national percentage of recipients who pay income tax, it means more than 84,000 Rhode Islanders would receive nothing under the House proposal, 84,000 Rhode Island seniors, zippo, nothing for them.

Nationwide that number climbs to 21.1 million seniors. More than 20 million seniors would not receive a dime in tax rebates under the House bill. That is not fair. That is not fair.

As long as we are putting funds out in the economy in order to stimulate the economy, we should make sure the program reaches fairly to different segments of the population and certainly not leave out seniors. Extending the rebate plan to seniors will give much-needed breathing room to so many seniors who struggle every day to get by.

But in addition to being more fair, it also makes economic sense. According to the Department of Labor, Americans over 65 are responsible for 14 percent of all consumer spending, and they spend an average of 92 percent of their income every year.

In 2006 alone, they purchased more than \$800 billion in consumer goods. So if you are looking to push consumer spending, seniors are a good place. That data suggests any rebate we are able to provide seniors will provide the kind of stimulus our country needs.

Furthermore, older Americans are more likely to spend the money they receive and to spend it on goods and services that will help our economy grow, and they will spend it sooner. They will spend it faster. As we all know, one of the key purposes of this stimulus is to put the stimulus into the economy quickly.

In a Budget Committee hearing a few days ago, I asked Peter Orszag, Director of the Congressional Budget Office, which would be a faster stimulus to the economy, Social Security or tax rebates. He testified: Social Security. So if we can help seniors get this through Social Security, better still.

Last week, I wrote the Democratic and Republican leaders in the Senate about my concerns. I urged them to make seniors a priority in any stimulus package we consider. I am very encouraged and very pleased, standing on the floor right now, that the Senate Finance Committee, chaired by our distinguished colleague from Montana, Senator MAX BAUCUS, has reported out of his committee, in bipartisanship fashion, a bill that would allow most seniors to receive a \$500 rebate under the Finance Committee proposal.

Social Security benefits would be considered as income for this limited purpose. Seniors with at least \$3,000 in Social Security income, Social Security benefits, but we are treating it this one time as income for 2007, this past year, could claim the \$500-per-person rebate simply by filing a tax return.

Now, of course as we know, many seniors do not have enough taxable income to require them to file tax re-

turns. They may not have filed in years and they may not be familiar with the process. So as we go forward, should this proposal become law, I hope it does, we must do all we can to inform seniors about the rebates to which they are entitled and to help them claim these much-needed rebates.

We need to call on our friends who are accountants, social service workers, lawyers in the tax area, who can volunteer their time to work at senior centers in high-rises, work with our seniors to make sure seniors know they can do this and help them fill out this form so they can get this benefit.

So many seniors desperately could use an extra \$500. That is nearly a whole year of this gentleman I mentioned, of his mom being able to help her son. Her whole thing every year was \$600. It meant the world to her and it was only \$600. And she could not do this. But this \$500 will make a big difference in these seniors' lives.

So we have to make sure no senior loses out on this money because of misinformation or difficulty in navigating the tax forms. The solution is a strong step forward. I applaud the work of Chairman BAUCUS and the Republican ranking member of the Finance Committee, CHUCK GRASSLEY.

I look forward to continuing our efforts to pass an economic stimulus proposal that meets the pressing needs of America's seniors while accelerating the stimulus the economy needs.

I will close by saying once again how fortunate I feel to be on the floor delivering these remarks at a time when the distinguished Senator, BILL NELSON, for those who cannot see him, of Florida, is in the Presiding Officer's chair. Because again, his strength and determination on issues that affect seniors in Florida is renowned in this Chamber, and I could not hope for a better audience as someone with such care and dedication to American seniors to be here.

I yield the floor and 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. REID. 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. REID. Mr. President, it has been a long week, and our list of accomplishments—on paper—are not very much. But, hopefully, we are headed toward a real good week next week.

#### FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER. The Senator will resume consideration of the bill S. 2248.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Feingold-Dodd amendment No. 3909 (to amendment No. 3911), to require that certain records be submitted to Congress.

Bond amendment No. 3916 (to amendment No. 3909), of a perfecting nature.

Reid amendment No. 3918 (to the language proposed to be stricken by Rockefeller-Bond amendment No. 3911), relative to the extension of the Protect America Act of 2007.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments be withdrawn, except the substitute and the Feingold amendment No. 3909; that it be modified with the changes at the desk and then agreed to; and the motion to reconsider be laid upon the table; further, that the following be the only first-degree amendments remaining in order to the bill, with no second-degree amendments prior to a vote, except as specified in this agreement; that any time for debate with respect to amendments be equally divided and controlled in the usual form; that the following two amendments be modified with the changes that are at the desk, and then agreed to, as modified, and the motion to reconsider be laid upon the table, en bloc:

Whitehouse amendment No. 3932; Kennedy amendment No. 3960; and that the Bond amendment No. 3945 be agreed to, without modification; further, that the following eight amendments be subject to a majority vote threshold, with a motion to table any of these eight amendments in order:

Bond amendment No. 3941, with a modification, 20 minutes; Bond amendment No. 3938, with a modification, 20 minutes; Feingold amendment No. 3907, 2 hours; Specter-Whitehouse amendment No. 3927, 2 hours; Feingold amendment No. 3913, 40 minutes; Feingold amendment No. 3912, 40 minutes; Feingold amendment No. 3915, 40 minutes; Feingold-Webb amendment regarding sequestration, 90 minutes; provided further, that the next 3 amendments listed be subject to a 60-affirmative vote threshold, and that if it does not achieve that threshold, then the amendment be withdrawn: Feinstein amendment No. 3919, 2 hours; Cardin amendment No. 3930, 60 minutes; Whitehouse amendment No. 3920, 60 minutes; finally, that the Feinstein amendment No. 3910 also be in order, without any debate limitation; provided further, that a managers' amendment be in order if cleared by the managers and the leaders; that upon disposition of all amendments, the substitute amendment, as amended, be agreed to, and the bill be read the third time; that the Senate then vote on the motion to invoke cloture on the bill; that upon passage of the bill, the Senate proceed to Calendar No. 517, H.R. 3773, and all after the enacting clause be stricken and the text of S. 2248, as amended, be inserted in lieu thereof, the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that passage of S. 2248 be vitiated and then returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (No. 3909, as modified, No. 3932, as modified, No. 3960, as modified, and No. 3945) were agreed to, as follows:

#### AMENDMENT NO. 3909, AS MODIFIED

On page 56, strike line 14 and all that follows through page 57, line 14, and insert the following:

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

“(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

“(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

“(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

“(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.”

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

“(e) DEFINITIONS.—In this section:

“(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term ‘Foreign Intelligence Surveillance Court’ means the court established by section 103(a).

“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term ‘Foreign Intelligence Surveillance Court of Review’ means the court established by section 103(b).”

#### AMENDMENT NO. 3932, AS MODIFIED

On page 19, strike lines 10 through 12 and insert the following:

“(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

“(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

On page 19, line 13, strike “(C)” and insert “(D)”.

#### AMENDMENT NO. 3960, AS MODIFIED

On page 6, line 13, strike “and” and all that follows through page 10, line 5, and insert the following:

“(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

“(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

“(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

“(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

“(d) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

“(e) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

“(f) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not

permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(v) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

On page 17, line 2, strike “States.” and insert “States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.”.

#### AMENDMENT NO. 3945

(Purpose: To strike the time limitation for certain appeals)

On page 15, beginning on line 10, strike “not later than 7 days after the issuance of such decision”.

Mr. REID. Mr. President, let me express on the record my appreciation for so many people.

Specifically, I wish to mention Senator ROCKEFELLER and Senator BOND. They and their staffs have spent days on this agreement. It is really good they have a relationship that allows them to be able to reach this agreement. But for that, it could not have been done.

I am not going to talk about Republican Senators, but I am sure there are a lot of unsung heroes. I cannot talk about them. But the Presiding Officer, Senator WHITEHOUSE, has done a remarkably good job as a member of the Intelligence and Judiciary Committees in helping us resolve this matter so we can proceed to finish it. As I add up all this time, it is about 11 hours of debate, plus the votes.

Senator KENNEDY is also always very easy to deal with. He believes fervently in what he believes, but he is always very understanding of my problems. I extend my appreciation to him.

Senator FEINGOLD is a brilliant man, and he is someone who is always looking at every bit of verbiage in any piece of legislation. He has been very good to work with, as he always is. I express my appreciation to him.

Senator CARDIN has been very patient in everything we have done.

Finally, I wish to talk about two people.

I spent a lot of time today with Senator FEINSTEIN. She is a real believer as a member of that Intelligence Committee. She is the second ranking member on that committee. She spends days of her life in committee hearings,

listening to what goes on and trying to figure out what is going on, which is not always easy. It is all done with all the Intelligence members away from the press. There is little recognition that members of the Intelligence Committees get, other than self-satisfaction that they are doing good things for the country and the world. I appreciate Senator FEINSTEIN working with us so we could get to this final agreement.

Even though his name does not appear in any of the consent agreements I read, Senator LEAHY is a person who is going to accomplish what he believes should be accomplished in this bill, but he has done it in a typical way. I had one Senator tell me—in fact, it was Senator KENT CONRAD. He said that in his entire public service, he has never known a better negotiator than Senator LEAHY. I think he probably is one of the best. He got a lot out of this even though his name does not appear anywhere.

We know the sincerity and the depth of feelings that Senator DODD has on this legislation. He is somebody who has been heavily involved in everything we have done in this bill. I appreciate his willingness to work with us to a point here. He and I agree on what should happen in this legislation. Time will only tell whether we get what our druthers are, but at least we are joined to try to accomplish the same thing.

I appreciate everyone working as they have with this legislation. It hasn't been easy to get where we are, but this is where we are, and I appreciate everyone's attention and help.

#### MORNING BUSINESS

#### 40TH ANNIVERSARY OF THE TET OFFENSIVE

Mr. REID. Mr. President, I rise today, the 40th anniversary of the beginning of the Tet Offensive, to commemorate the valor and courageousness with which our Armed Forces fought to repel this massive attack.

Over the holiday recess, I was fortunate enough to spend a great deal of time in my home State of Nevada. While at home, I met with several veterans at the Veterans of Foreign Wars, VFW, Post 1753 in Las Vegas. After talking with them for quite a while, it was brought to my attention that we were only a few weeks away from the 40th anniversary of the onset of the Tet Offensive. In order to ensure that the heroism of our troops who fought in these arduous battles was not overlooked on this milestone anniversary, I told my friends at VFW Post 1753 that I would honor their sacrifices and the sacrifices of their fellow Nevadans and call attention to this important occasion on the floor of the Senate.

From a tactical standpoint, the Tet Offensive would result in one of America's most convincing victories over the combined forces of the Viet Cong

and the North Vietnamese Army, NVA. Yet few Americans recall the decisiveness with which our troops routed the surprise onslaught. Many mistakenly believe that Tet was a military defeat, significant for the enemy's ability to launch a large-scale attack on the United States and South Vietnamese forces. It is time to correct this mistaken impression and recognize the bravery and sacrifice of our soldiers, sailors, airmen, and marines in achieving victory during the Tet Offensive.

As many Hollywood films have since immortalized, the surprise attacks began in full during the early morning hours of January 31, 1968, the Vietnamese lunar New Year holiday known as Tet. A few months earlier, the Governments of North and South Vietnam had agreed to observe a 7-day truce from January 27 to February 3, 1968, in honor of the national holiday. With the Tet Truce abruptly violated, America's servicemembers regrouped to defend what would be the largest military operation conducted by either side up to that point in the conflict.

Withstanding major assaults at Hué, Khe Sanh, and Saigon, our Armed Forces quickly turned the tide on the surprise offensive and delivered major tactical blows to both the Viet Cong and NVA. Most of the attack had been successfully repelled by mid-February with few notable exceptions, such as fighting at the coastal port of Hué, which continued into early March. When the dust settled, tens of thousands of Communist troops had died during the massive ambush, while 1,536 U.S. and non-Vietnamese allies perished in the violence and over 7,700 others were wounded or declared missing.

Despite America's impressive tactical victories in the aftermath of the original attacks, the Tet Offensive forever altered the course of the Vietnam war. Although the Tet Offensive would serve as a major blow in the court of American public opinion, we must never forget the resolve and bravery of our soldiers, sailors, airmen, and marines, who fought a determined enemy and defended the freedoms of those who could not defend themselves.

During the difficult times of today, when America remains at war abroad against another committed enemy, I believe we must all remember to take the necessary time and pay our deepest respects to those servicemembers who have fallen in years past. I certainly will never forget the 151 Nevadans who died during the course of the entire Vietnam war, many of whom would meet their eventual fate defending the south during the Tet Offensive. To all of those valiant Americans who fought during this mightiest of struggles, our Nation is eternally grateful for your sacrifice in turning what could have been one of our darkest hours into yet another great victory in the annals of our Nation's rich military history.