



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, THURSDAY, JUNE 26, 2008

No. 107

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our hopes and dreams, from whom all blessings flow, thank You for Your presence and sustaining power. Strengthen our lawmakers during the rigorous demands of their day. Lord, manifest Your presence and inspire them with Your unchanging love. Help them to remember that greater than the leverage of force is the power of love. Remind them that love can mold wills, penetrate lives, and overcome obstacles. Lord, make our Senators instruments of Your peace and love in a hurting nation and world. Enable them to say with the Psalmist: "Test me, O Lord, and try me, examine my heart and my mind, for Your love is ever before me, and I walk continually in Your truth."

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Foreign Intelligence Surveillance Act, FISA.

Earlier this week, we were able to work out an agreement to consider two district court judges today. The Judiciary Committee is going to meet today to consider other judges, but we now have two we are going to approve sometime today, and they are William T. Lawrence of Indiana and G. Murray Snow of Arizona. When the Senate considers the nominations, there will be an hour for debate, equally divided and controlled, prior to the votes on confirmation of the nominations. These votes will occur sometime during the day. The second vote will be 10 minutes in duration.

Mr. President, I guess we have to learn from our experiences in life, and I try to do that. I was thinking, coming to work here today, what have I had that is comparable to what we have been doing here this week? And the best I could come up with is, when I was a boy, I would go with my dad and my family to gather wood. We would go up these washes, desert washes, and in these washes grows what we call cat's claw mesquite. That is the only place it grows, in these washes, the reason being that the seeds only germinate when they are pulverized, pounded

down these washes. So we would go down there in a pickup—four-wheel drives did not exist or rarely existed at the time—and invariably we would get stuck in the sand. Those back tires would spin—one of them especially—and sometimes it would take a long time. Those tires would spin. That vehicle was going a thousand miles an hour but moving nowhere. But as the day and time progressed, we would put brush under the tires and the rocks, and we would get out eventually.

Well, that is kind of where we are today in the Senate. All week long, we have been stuck in the sand, spinning our wheels. This is Thursday, and Thursday can be a magical day in the Senate, but it is not automatic. It is not automatically a magical day. We have many things to do to, in effect, stop spinning our wheels. We have four major pieces of legislation that need to be considered before we can leave for the Fourth of July recess.

FISA. I received a call this morning from the majority leader in the House, Leader HOYER, and he—a lot of people are responsible for getting this bill to this point, but I think all would acknowledge that his work on this was instrumental—and he, of course, would like us to finish this as quickly as possible. We are currently considering the motion to proceed to FISA. That is the legislative matter now before this body. I hope and I am convinced that we will be able to work out an agreement to move action on this bill.

Housing. Yesterday, the Senate overwhelmingly voted for the Dodd-Shelby bipartisan agreement. So it is not a matter of whether but when the housing legislation will pass the Senate. I hope we can reach an agreement before the end of the day as to how this bill is going to be finished. If we don't, I will just have to look for another opportunity to file cloture and this bill will be completed. As I have indicated to a number of Senators, both Democrats and Republicans, as we proved yesterday, when we have an opportunity, we

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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can move legislation. There was agreement made on amendments, there was compromise on those amendments, and that is what will happen as we proceed down the road. I know there is an issue dealing with whether one Senator can offer an amendment to have the extenders not paid for. That won't happen on this bill. Those who want to do that can do it on some other vehicle, but that won't happen on the housing legislation.

The supplemental. I hope we can reach agreement today to complete action on this bill that was passed by the House overwhelmingly—the House got 355 on that piece of legislation, with just a handful of votes against it. It was truly a piece of legislation that was important to be done. I am sorry, that was not the number on that, Mr. President, but it was passed overwhelmingly, the supplemental, and we need to do it here.

This bill includes the GI Bill of Rights, and it includes an unemployment insurance extension, which people are waiting for us to do today and the President to sign the bill. There are, of course, other domestic priorities, not the least of which is on the Medicaid regulations. Every Senator has received calls from their Governor about the importance of these Medicaid regulations. Passage of this bill will be a victory for the American people, and it is one of those rare instances where we have, as I have said on the floor in recent days, worked with the President, and he has worked with us, and we have a bill he is going to sign without any question.

Medicare. That is the bill that passed by a vote of 355 to 59 in the House. It is an extremely important piece of legislation. We have to complete that before we leave here. If we don't do it before July 1, everyone knows—well, when I walked out of my office, the head of the American Medical Association was there saying: Pass the bill the House passed. She is over there. She is a physician from Buffalo, NY, and she said it is one of the most important things we could do to help the health care delivery system in this country. The AARP yesterday came out for this legislation.

It is an extremely important piece of legislation. The bill is similar to the one drafted by Senators BAUCUS and GRASSLEY earlier this month that every Senate Democrat and nine Senate Republicans voted for. It represents the only chance this body has to head off cuts to doctors before they take effect at the end of this month. So we either will get an agreement today to pass the Medicare doctors fix or, when I have an opportunity, which will probably be after midnight tonight, to file cloture on that. If that is the case—and I can't do that before midnight—then that will mean a weekend cloture vote. So we have to do that. We have no alternative. Everyone wants to go everywhere because the Fourth of July break is coming, but we can't do that until

we complete that. I hope that can be worked out as soon as possible.

I am optimistic that this is going to be a productive day in the Senate, but I am also realistic that it may not be. Magic can happen, as I have indicated, when we work together here in the Senate. On Thursdays, a lot of that magic occurs, but it does not mean it is going to happen automatically. I hope it is not a continuation of being stuck in the sand and those wheels are spinning and spinning. I hope we can get something done for the American people today.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA

Mr. McCONNELL. Mr. President, last April the Director of National Intelligence, ADM Mike McConnell, warned Congress about a serious flaw in the laws that govern our Nation's terror-fighting capabilities. New technologies had made our old electronic surveillance program dangerously out of date, he said, causing us to miss substantial amounts of vital intelligence on foreign terror suspects overseas.

In reaction to these concerns, the Senate passed and the President signed a temporary measure, the Protect America Act. The Protect America Act lived up to its name. We are told that from the time of its passage last August until its expiration in February, it allowed us to collect significant intelligence on terrorists and has been critical in protecting the United States from harm. But the Protect America Act had a signal failure: the telecom companies that may have helped prevent terrorist attacks were not protected from potentially crippling lawsuits. This was no small thing since without these companies, America wouldn't even have an effective surveillance program. Bankrupting the telecoms would be like outlawing fire hydrants—you could have the best firetrucks and the best firemen in the world, but you would still be incapable of putting out fires.

So after several months of new negotiations, the House finally devised and approved last week a revision of the original surveillance law that addresses the DNI's major concerns, including the important telecom protection. As the DNI put it in a recent letter endorsing the House-passed bill:

This bill would provide the intelligence community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals, essential to any effort to modernize FISA, we strongly support passage and will recommend the President sign it.

That is the Director of National Intelligence.

Passage of this legislation is long overdue. When the Protect America Act expired in February, the DNI warned Democratic leaders in the House once again about the need for an updated law. Yet House Democrats were evidently more concerned about the pressure they were getting from left wing groups such as moveon.org. They brushed the DNI's warnings aside and refused to take up and pass a bipartisan Senate-passed compromise bill that would have easily cleared the House. As a result of Democratic intransigence, our intelligence community has been handicapped in its ability to acquire new terrorist targets overseas. This was grossly irresponsible, and many of us said so at the time.

Now more than a year after the DNI made his initial plea, House Democrats have finally done the right thing. They have acted on the DNI's warnings by passing an updated surveillance law that meets his original criteria and which meets the criteria Republicans laid out during last year's debate—namely, one that gives the intelligence community the tools it needs to protect us, which doesn't put the telecom companies that made this program possible out of business, and which would get a Presidential signature.

Now it is time for the Senate to take up this bill and pass it without any further delay. The bill isn't perfect. I would have preferred for the Speaker to allow a vote on the Senate-passed FISA bill. But it does meet the DNI's criteria, and therefore its passage will mark a serious achievement, though long overdue, in the interest of our national security.

This hard-fought bill represents the epitome of compromise. The senior Senator from Missouri should be singled out for his outstanding work on this most important piece of legislation. He has done a service to the Senate and to the Nation by patiently working all of this out over the course of more than a year.

He was assisted in that effort by very able staff. Louis Tucker, Jack Livingston, and Kathleen Rice were invaluable throughout the process, to every Senator who was involved in this extremely important debate. They also deserve our thanks.

I will support this bill for all the reasons I have mentioned and urge my colleagues to do the same. We must pass this before leaving town and not allow it to be held up by yet another Democratic filibuster.

HONORING OUR ARMED FORCES

SERGEANT TATJANA REED

Mr. McCONNELL. Mr. President, I rise to speak for a brave woman, mother and soldier who has fallen. On July 22, 2004, SGT Tatjana Reed was tragically killed when an improvised explosive device detonated near her vehicle during combat operations in Samarra, Iraq.